Scotland Laws Statutes, etc.

LAWS AND ACTS

Past in the third SESSION of the second

PARLIAMENT,

Of our most High and Dread SOVERAIGN,

CHARLES

THE SECOND.

By the Grace of GOD, King of *Scotland*, *England*, *France* and *Ireland*, Defender of the Faith.

Holden at *EDINBURGH*, from the 12. of *June* to the 11 of *September*, 1672.

By his Grace, John *Duke of* Lauderdale, *Marquess of* Marche, *Earle of* Lauderdail, *Viscount* Maitland, *Lord* Thirlestane, Musselburgh *and* Bolton, *&c. His* MAJESTIES *Commissioner*, &c.

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PARLIAMENT

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Begun at Edinburgh *upon the* 12. *of* June, *and continued to the* 11. *of* September, *in the* Year, 1672.

I.

ACT for Settling the Militia.

Edinburgh, *the* 25. *of* June, 1672.

THe Kings *Majesty* considering, that the Honour and Security of this His Ancient Kingdom are much concerned in the right ordering and settleing of the Militia within the same: Which being a Service and Imployment of so great Trust, His *Majesty* Resolves to take special notice thereof, and as He will give all due encouragements to those who shall be imployed therein, so He will expect, and require from them

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an exact performance of the duties and services incumbent to them in their several stations. And therefore His *Majesty*, with advyce and consent of His Estates of Parliament, Doth hereby Declare, Statute and Ordain, That all such persons who shall be enrolled and admitted in the trust of the Militia, shall be entirely reserved for that employment, and during their service in it, shall be freed and exeemed from all other Levies whatsoever. And that the persons imployed may be suitable to, and qualified for such a trust, It is also hereby Statute and Ordained, That all the Officers in the Militia, be persons well affected to the Religion and Government of the Church, as it is now established by the Laws of this Kingdom: And that all the Officers and Souldiers, to Horse or Foot, shall, at the first Rendevous of each Regiment or Troup, where they shall be present, Take the Oath of Allegiance, which is hereby Ordained to be administred unto them, by the chief Officer commanding upon the place. And if it shall happen any of them to refuse the same, That they shall be presently seised on, and sent to the next publick Prison, there to be kept, till, by Order of His *Majesties* Privy Councill, they be banished the Kingdom. And that these who outreiked them, do forthwith furnish others in their place.

And further, it is hereby Statute and Ordained, That all the Officers of the Militia do punctually attend their severall Charges, and that none of them offer to desert or dimit the same (but upon a just and reasonable cause, to be first offered to, and allowed by, His *Majesties* Privy Council) under the pains following: *viz.* a Collonel of Foot, and Captain of Horse, two thousand merks; a Lieutenant-Collonel of Foot, and Lieutenant of Horse, one thousand five hundred merks; a Major, or Captain of Foot, one thousand merks; a Lieutenant, or Ensign of Foot, or Cornet of Horse, five hundred merks. And that all Officers to be hereafter named, shall accept and attend their Charges; and if any of them shall refuse to accept, without a reasonable cause, to be first allowed as said is, they shall be also liable to the respective Fynes aforesaid. And in case any of the Officers already admitted, or who shall hereafter be admitted in this Service, shall neglect the same, and not give due attendance at the severall diets of Rendevous of the Regiments, Troups, and of the Companies, they shall be liable to, and forfeit the Fynes following; a Major and Captain of Foot, and a Lieutenant and Cornet of Horse, fifty pounds in time of war, and twenty five pounds in time of peace; and the other inferior Officers, twenty four pounds in time of war, and twelve pounds in time of peace. And it is also hereby Declared, that all Fynes formerly imposed by Act of Parliament, for absence from Rendevous, or deficiency in outreik

of Horse or Men, or in cases of insufficiency of Horse or Arms, shall be doubled in time of War.

It is also hereby Ordained, that none be designed Horsemen or Footmen of the Militia, but such as dwell and reside in the bounds within which they serve; and if any be already otherwise designed, that they be changed, and others accordingly put in their places: And that in time coming, no Leader change any Tennent, Cottar or Servant designed Horseman or Footman in the Militia, so long as he continues on the Leaders ground, or in the bounds for which he serves, or shall be in the Leaders or Tennents service: And that the Tennent, Cottar or Servant listed in the Militia, shall not remove from his Masters ground, nor leave his service, untill year and day expire; and then the removall is only to be at the term of Whitsunday, the Leader being alwayes oblidged, before this removall, to present to the Captain another sufficient man in his place, who shall continue in the service as aforesaid. And if any man listed in the Militia, shall desert the service, and withdraw to any other place without the bounds for which he serves, the persons who resset him, upon intimation thereof given by his Master, or the Captain of the Troup or Company, shall be holden to return him back within three dayes thereafter, and the person himself to be punished for his fault, at the discretion of the Captain and any two Commissioners of the Militia: And in case the Resetter, being required, shall not return him, he is to be fyned in an hundred merks *Scots* by any two Commissioners of the Militia, if he live within the Shire: and if he live in any other Shire, by the Sheriff, Magistrates of Burgh, or any other ordinar Magistrate on the place.

It is likewise hereby Ordained, that the Leader of every Horse is to furnish and uphold a sufficient Horse with his furniture, for the space of seven years from this time, and that after the expyring of the seven years, these of the Fraction with him shall contribute for another Horse, at the rate of ten pounds *Sterling*, and that the Horse be provided to the value of that summe, and so after the expiring of each seven years thereafter *successivè*: And that the Heritors of every Shire allow yearly fourty eight pounds *Scots* to the Trumpetter who serves their Troup, and twelve pounds *Scots* to every Drummer who serveth their Companies. And it is further Ordained, that, besides the dayes of Rendevous already appointed, and which are still to be observed in the time of Peace, Yet in the time of War, there are to be two Rendevous yearly of the Regiments of Foot, at either of which, the Companies are to be keeped together, and exercised for two dayes; as also, four dayes of Rendevous for the severall Companies. But in regard of the

diſtance of the bounds, and other difficulties in drawing together the Regiment which is raiſed out of *Argyl*, *Bute* and *Dumbartan*, they are to have only one generall Rendevous in the year, and two for the ſeverall Companies, who are to ſtay together two dayes at either of their Rendevous.

And further, His *Majeſty*, with advice and conſent foreſaid, Ratifies, Approves and Renews all former Acts, Orders or Inſtructions paſt in Parliament, or by His *Majeſties* Privy Councill concerning the Militia; and Ordains them to be put to due execution, except in ſo far as any of them are innovate or altered by this preſent Act.

II.

ACT concerning Pupils and Minors, and their Tutors and Curators.

Edinburgh, 28. of *June*, 1672.

OUr Soveraign Lord, Conſidering the great prejudice and inconvenience befalling to Pupils and others, who cannot provide for, or defend themſelves, That their Tutors or Curators have immediate acceſs to their Charter-cheſts, Writs, Evidents and Securities of their lands, ſums of money and others belonging to them, which they may imbeſil, ſuppreſs, or, by colluſion, give up to their Debitors or other parties intereſſed, without juſt ſatisfaction; Or otherwiſe, having gotten ſatisfaction, there is no mean by which a Charge can be made up againſt the ſaids Tutors and Curators, but themſelves, when they are brought to an account, make both their own Charge and Diſcharge; and in caſe of their deceaſe, they who ſucceed to them, for the moſt part, can have no charge made up againſt them at all. For remeed whereof, His *Majeſty*, with advice and conſent of His Eſtates of Parliament, Statutes, Ordains and Declares, That no Tutor or Curator of any Pupil, Minor, Idiot or furious perſon, to be named or deſigned in any time coming, or who is not actuallie ſtated and entered in the ſaid office, ſhall have power or auth-

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rity to exerciſe the ſaid Office of Tutor or Curator, or to meddle with the Writs, Evidents, Means and Eſtate of the ſaids Pupils, Minors, Idiots or furious perſons, untill firſt an Inventar be made up, in manner afterſpecified, by the ſaids Tutors and Curators, with advice and conſent of the neareſt of kin on the fathers ſide, and the neareſt of kin on the mothers ſide, who ſhall be *majors*, and within the Kingdom for the time: which Inventar ſhall be ſubſcribed by the ſaids Tutors and Curators, and the ſaids neareſt of kin; and one ſubſcribed double thereof keeped by the ſaid Tutors or Curators, another by the neareſt of kin on the fathers ſide, and the third by the neareſt of kin on the mothers ſide. All which ſubſcribed Duplicats ſhall be judicially produced before the Judge ordinar of the place, where the Pupil, Minor, Idiot or furious perſon their chief reſidence is, and an Act made, upon production thereof, bearing the production of the Inventar, and expreſſing the names of the perſons ſubſcribers thereof, and in whoſe cuſtody the ſame were left; and that the Duplicats be alſo ſubſcribed by the Clerk of Court, that they may not be altered thereafter. And in caſe the neareſt of kin on both ſides will not concur in making up the Inventar in manner foreſaid, the ſaids Tutors and Curators ſhall raiſe ſummonds at their inſtance, before the ſaids Judges ordinar *reſpectivè*, for ſummonding the neareſt of kin that are *majors*, and within the Countrey, upon either ſide, for decerning them to concur in making up of the ſaid Inventar in maner foreſaid: And in caſe they compear not, or do not concur as ſaid is, With certification, the ſaid Inventar ſhall be made up by the ſaid Tutor or Curator, with advice and conſent of the Judge ordinar, or any whom he ſhall delegate or appoint, who ſhall ſubſcribe three Duplicats of the ſaid Inventar with the ſaids Tutors or Curators, whereupon a judiciall Act ſhall be made, and the Duplicats ſubſcribed by the Clerk, in the ſame manner as if the neareſt of kin had concurred; and a Duplicat thereof ſhall be keeped by the ſaids Tutors and Curators, and the other two Duplicats ſhall remain in the Clerks hands, to be delivered to the neareſt of kin on the father and mothers ſide, being cloſed up and ſealed by the ſaids Tutors or Curators, and the perſon delegate for making the ſaid Inventar as ſaid is. Which Inventar ſhall contain the names and deſignations of the lands belonging to the Pupils, Minors and others foreſaids, and the Bands, Counts and Tickets due to them, and ſums therein contained, and their Moveables, aſwell Heirſhip-Moveable as other Moveables: And in caſe that thereafter any other Lands, Debts, Sums of Money or other Goods and Gear whatſoever, belonging, or that may happen to belong to the ſaids Pupils, Minors, Idiots or furious perſons,

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shall come to the knowledge of the saids Tutors or Curators, so that they may attain to the possession thereof; In that case, and within the space of two moneths after they attain to the possession of the famine, They shall eeke the same to the foresaid Inventar, and make a judiciall Act thereupon in the hands of the Clerk of Court where the principall Inventar was made, and shall leave two Duplicats of the said Eek or Eeks, one or moe, sealed as said is, in the hands of the said Clerk, for the use of the neareſt of kin as said is. And it is hereby further Declared, That the Debitors of the Pupils, Minors, Idiots or furious persons, shall not be obliged to make payment to the Tutors or Curators of the saids Persons, of any Sums due by them, unleſſe the said Tutor or Curator show to the saids Debitors, that the Sums or Goods demanded from them, are contained in the saids Inventars or Eeks subscribed by the saids neareſt of kin, or by the Clerk of Court in manner *respective* foresaid. And it is hereby further Declared, that, if the saids Tutors or Curators shall failzie in making up the saids Inventars and Eeks in manner abovewritten, They shall be lyable both for Intromiſſion and Omiſſion, and shall have no allowance or defalcation of the charges and expenses wared out by them in the affairs of the saids Pupils, Minors, Idiots or furious persons: and shall be removeable from their Office as suſpect Tutors and Curators, if they fail in making up the Eeks from time to time in manner foresaid. It is alwayes hereby Declared, that this Act shall not prejudge Pupils, Minors and other persons aforesaid, to charge their Tutors or Curators with what it can be made appear they have intromeſted, or might have intromeſted with, over and above what is contained in the Inventar. And further, His *Majeſty*, with advice and consent foresaid, Statutes and Ordains, That all Gifts of Tutory, that shall be granted hereafter, by His *Majeſty* or His Exchequer, shall proceed upon citation of the Minors neareſt of kin on both sides, at the instance of the Cravers of the saids Gifts: That they may be heard, if they have any thing to say againſt the person to whom the Gift is to be granted; or, upon consent first obtained thereto, under the hands of the said neareſt of kin. And Ordains, that the said Gifts shall bear expreſly that the neareſt of kin were cited, or consented to the passing of the said Gifts: Certifying all who shall procure Gifts of Tutory or Curatory foresaids, without citation or consent of the saids neareſt of kin, or where the famine is not expreſly mentioned therein, That these Gifts shall be declared null and void, by way of exception or action, at the instance of any person who shall have obtained a Gift of the saids Tutory or Curatory, conform to the Tenor of this present Act.

Act

III.

ACT discharging the importation of Iriſh *Victual.*

Edinburgh, 28. of *June*, 1672.

FOraſmuch as the importing of Victual, Horſes and Cows from *Ireland* into this Kingdom, hath been, by diverſe publick Acts and Statutes, diſcharged, under great pains; And that, notwithſtanding thereof, ſundry perſons, preferring their own private intereſts to their obedience to the Law and good of the Kingdom, have adventured to import diverſe quantities of Victual from *Ireland*, and have vented and ſold the ſame in this Kingdom; whereby the ſale of Corns, growing within the Kingdom, hath been ſtopped, and much money hath been unwarrantably carried out of the Kingdom. And His *Majeſty* being reſolved, for the good of this His Ancient Kingdom, to take an effectual courſe for preventing and reſtraining ſuch courſes for the time to come: Doth therefore, with advice and conſent of the Eſtates of Parliament, Statute and Ordain, that all Heritors, Wod-ſetters and Live-renters within the Shire of *Lanerk* below *Glaſgow*, and in the Shires of *Air*, *Renfrew*, *Wigtoun*, *Dumbartan*, *Bute*, *Argyl*, and Stewartrie of *Kirkcudbright*, having Land on the Sea-coaſts; and the Magiſtrates of the Burghs of *Glaſgow*, *Dumfreis*, *Kirkcudbright*, *Renfrew*, *Dumbartan*, *Irwing*, *Air*, *Stranraver*, *Roſsa* and *Innerraray*, give Bonds, that they, their Tennents, or any dwelling on their Lands, or Inhabitants within the ſaids Burghs, ſhall not import or reſſett any ſort of Victual from *Ireland*, under the pain of twelve hundred pounds *Scots toties quoties*. And if any of that Victual ſhall happen to be Livered within their bounds, by perſons not living within the ſame, That they alſo detain and ſeiſe the Victual, Veſſel and Perſons therein, if they can be apprehended, under the ſame pain. And if the Importers make any forcible reſidence, It is hereby Declared, that the Seiſers,

and these who shall assist them, shall be free of all skaith or prejudice may fall out thereupon: And that they give timous notice thereof to the Lords of His *Majesties* Privy Council or Exchequer, who are hereby impowered to punish the Importers, by fyning or imprisonment, or both, as they shall think fit. And for the Vessels and Goods, whether imported by Natives or Strangers, They are hereby Declared to be confiscate; two parts thereof to His *Majesties* use, and the third part to the Seiser, whether he be Heritor of the Lands where the Importation happeneth, or not. And in case any Heritors or Magistrates shall suffer any Victual to be imported, and shall not seise and certifie as said is, and that any other person shall inform thereof, and verifie the same; This Informer is to have the third of the Goods, if they shall be apprehended, and also the third of the fyne imposed upon the Heritors or Magistrates failzeing as said is. Lykeas His *Majesty*, with Advice foresaid, doth Authorize the Lords of his *Majesties* Privy Council to appoint fit Persons to receive the Subscriptions of the Heritors, Magistrates and others foresaids, within the bounds abovewritten, to the Bond hereunto subjoined. And if any of them shall refuse to sign the Bond, they are, for such refusall, Declared to incurre the pain and penalty of Two hundred pounds *Sterling*, and imprisonment during the Councils pleasure: Besides that, they shall be lyable to the same pains as if they had subscribed the Bond. And for the encouragement and relief of such Heritors and Magistrates, as shall give Bond as said is, It is Appointed, that if any Victual so imported, shall happen to be resett in any of the saids Shires or Burghs, the Resetter shall be lyable to relieve the Heritor or Burgh in whose bounds the Victual was Livered, off the Fyne they incurred thereby: As also, that their Tennents and Inhabitants shall also subscribe the same. And in case of their refusall, their Tacks of their Rooms, if they have any, are declared void, and they, and all such other Tennents or Inhabitants, as have no Tacks, are to be removed from their Possessions and Dwellings, by sentence of any Judge ordinar, before whom the refusall shall be proven; Besides that, they shall be lyable as if they had subscribed the Bond, and their persons to be imprisoned during the pleasure of His *Majesties* Privy Council, who are also hereby warranted to give Commissions and Allowances to fit Persons to seise any of the saids Vessels that shall be Water-born within the Waters, betwixt the Head of *Kintyre* and *Lochryan*, or within the Western Iles, or any Port, Loch, Creek or River from *Lochryan* to *Dumfreis*: As also, to allow importation of Victual for such time as they shall think fit, the price of Victual, within the Kingdom for the time, being at

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eight pounds the Boll of Beif and Meil, and ten pounds Wheat, or above. And laſt, His *Majeſty* Ratifies and Renews all former Laws, and Acts, and Proclamations of Council made againſt Importing of Victual as ſaid is: And Ordains them to be put to Execution, except in ſo far as they are altered by this Act; And Ordains Letters of Horning to paſſe hereupon, in form as effeirs.

The Tenor of the Bond abovementioned.

I *in obedience of, and conform to, the Act of Parliament againſt Importation of Victual from* Ireland, *Do hereby bind and oblidge me, that I, nor my Tennents, nor any other Perſon dwelling upon any Lands belonging to me, ſhall not import nor roſſet any Victual from* Ireland. *And if any Victual, ſo imported, ſhall be Livered on any Ground belonging to me, by any Perſon not living within my bounds, I oblidge me to ſeiſe and detain the Victual, Goods, Veſſels and Perſons therein, if they can be apprehended: And to give ſpeedy notice thereof to His* Majeſties *Council or Exchequer, under the pain of Twelve hundred pounds, as oft as I or they ſhall faillie in any of the premiſſes; To be payed to*

And for the more ſecurity, &c.

The like Bond to be given by the Magiſtrates of the Burrows abovementioned for their Inhabitants.

ACT

IV.

ACT for raiſing of a New Supply of Eight Hundred and Sixty Four Thouſand Pounds Scots, *Offered to His* Majeſty.

Edinburgh, 5 of *July*, 1672.

THE Eſtates of Parliament being ſenſible of the great Obligations lying on them to imbrace every Occaſion whereby they may renew the Expreſſions of their Duty, Loyalty and Gratitude to His *Majeſty*, for the many and conſtant Proofs they have had of His Affection to, and Care of, the Concerns of this His Ancient Kingdom; And conſidering that His *Majeſty* is now engaged in a moſt Juſt and Neceſſary War againſt the States General of the *United Provinces*, They conceive themſelves obliged to take ſuch courſes, and provide ſuch remedies, as may evidence the ſenſe and reſentments this Kingdome hath of His *Majeſties* Honor and Intereſts, as well as what may concern their own ſecurity, againſt all Accidents which either from without or within the Kingdom may fall out upon this occaſion: And therefore They do hereby Declare, that, as the Kingdom of *Scotland* will cheerfully hazard their lives and fortunes in this or any other cauſe wherein His *Majeſties* Safety, Honor or Intereſts may be concern'd; So, in order thereunto, They have ſo ſettled the Militia, as the Forces of the Kingdom may be in readineſs, when ever His *Majeſty* ſhall be pleaſed for thoſe ends to make uſe of them. And conceiving it neceſſary, for the rendering of this Humble Tender of their Duty the more effectual for His *Majeſties* Service, That His *Majeſty* be provided with a ſtock of money toward the encouragement and maintenance of the Forces of the Kingdom, and ſuch other neceſſary occaſions as concern His *Majeſties* Honor, or the publick Peace; They do therefore, with all humble Duty and Cheerfulneſs, for Themſelves, and in name of this Kingdome which They repreſent, Make offer to His *Majeſty* of a New Supply of Eight hundred ſixty four thouſand pounds *Scots*, to be payed and raiſed out of the Land-rent of the Kingdom, according to the preſent Valuations, in the ſame

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maner, and conform to the proportions contained in the Act of the Convention of Eſtates, for raiſing of the Supply granted to His *Majeſty* in the Year, One thouſand ſix hundred ſixty ſeven, and to be payed in four parts at the Terms following, each fourth part anſwering to three Moneths Ceſs; *viz.* Two hundred and ſixteen thouſand pounds, as being one fourth part thereof, and anſwering to three Moneths Ceſs, to be payed at the Term of *Lambas* next to come in this preſent Year, One thouſand ſix hundred ſeventy two: Another Two hundred and ſixteen thouſand pounds, at the Term of *Candlemas*, One thouſand ſix hundred ſeventy three; And the third Two hundred and ſixteen thouſand pounds, at the Term of *Lambas*, One thouſand ſix hundred ſeventy three; And the fourth and laſt Two hundred and ſixteen thouſand pounds, to be payed at the Term of *Candlemas*, One thouſand ſix hundred ſeventy four. Likeas the King's *Majeſty*, with Advice and Conſent of His Eſtates of Parliament, Doth hereby Ordain the foreſaid ſumme of Eight hundred ſixty four thouſand pounds *Scots* to be raiſed and payed at the Terms of payment particularly abovementioned: And that the Commiſſioners for the Valuations take care, and be anſwerable, that the ſame be accordingly raiſed and payed in to ſuch as ſhall be warranted by His *Majeſty* to receive the ſame; And that all maner of diligence and execution contained in the foreſaid Act of Convention, One thouſand ſix hundred ſixty ſeven, be made uſe of for raiſing of this Supply abovementioned, at the ſeverall Terms of payment thereof, as fully as if the ſame were expreſly repeated in this Act. And as His *Majeſty* with Advice foreſaid, Ordains that exactneſs, diligence and execution be uſed for the ſpeedy bringing in of this Supply as aforeſaid; So, for the encouragement of ſuch as ſhall make due payment as ſaid is, It is alſo hereby Declared, That no perſon liable in any part of this Supply, ſhall be holden to produce their Diſcharges or Receits of the ſame after the ſecond of *February*, in the Year One thouſand ſix hundred and eighty one: And farther, the King's *Majeſty*, conſidering that the whole burden of this Supply lieth upon the Land-rent; And conceiving it juſt, that the perſonal eſtates of money ſhould bear ſome proportion of the Burden, toward the relief of the Land-rent: Doth therefore, with Advice and Conſent foreſaid, Statute and Ordain, That every Debitor owing money within the Kingdom, ſhall, for the ſpace of one year, from the Term of *Martinmes*, One thouſand ſix hundred ſeventy two, to the Term of *Martinmes*, One thouſand ſix hundred ſeventy three, in the payment of their Annual-rents for that Year, have retention in their own hands of one ſixth part thereof, at the payment of the other five parts of the ſaids Annual-rents due for that Year as ſaid is.

V.

ACT concerning the Priviledges of Burghs Royall.

Edinburgh, 10. of *July*, 1672.

OUr Soveraign Lord, taking into His ſerious Conſideration, how neceſſar it is, for the wealth and welfare of this His ancient Kingdom, that Trade and Commerce be encouraged, both for the Export of the Growth and Manufacture of the Kingdom, and for Import of Forreign Commodities, requiſite for the uſe and ſatisfaction of His People; And for that effect, that the Priviledges of the Royall Burrows granted by His *Majeſty* and His Royall Predeceſſors, may be eſtabliſhed, and cleared from the many Controverſies and Debates that have been thereanent, to the great diſquiet and expences, both of the Royall Burrows themſelves, and other Incorporations and People of the Kingdom: Which Controverſies have ariſen concerning the extent of the Priviledges of the Royall Burrows; and how far the Ratifications thereof granted by His *Majeſty* and His Royall Predeceſſors, and the Eſtates of Parliament, have been derogate and abrogate by contrair Cuſtom, Or by Infeftments and Priviledges granted by His *Majeſty*, and His Royall Progenitors; and ſpecially the 24th Act of the Parliament, holden by His *Majeſties* Royall Father, of happy Memory, in the Year of GOD, 1633. Entituled, *Ratification of the Priviledges of the Royall Burrows*, whereby all Exportation of any Merchandice is prohibited to any Perſon but the Burgeſſes of Royall Burrows, their Factors or Servants; and all Perſons, dwelling out of Burrows, are prohibited to uſe any Merchandice, or to buy Wine, Wax, Silks, Spicery, Wald or ſiklike Stuffs; nor that none pack nor peil without the Kings Burrows, under pain of Eſcheat of the Goods that ſhould be topped, ſold, packed or peiled contrair to that Statute; And giving power to the ſaids Royall Burrows, or their Commiſſioners, to ſearch Unfree-mens Goods, intromet therewith as

Eſcheat

Eſcheat, either within the Countrey or any other part. Which Priviledges ſo extended, were never in uſe, and are highly prejudicial to the comon intereſt and good of the Kingdom, and are, by the ſaid Statute, extended far beyond the ancient Priviledges of Burrows, repeated and confirmed therein; applying the Priviledges granted to Burrows generally to Royall Burrows only, to the prejudice of the Burghs of Regalities and Barony, and extending of the ſale of imported Commodities which could only be underſtood of whole ſale, to the topping and retailing of the ſaids Commodities. And on the other part, the juſt Priviledge of the Royall Burrows have been encroached upon by others, not only by exporting, but by importing of Staple-commodities, without bearing burden with the ſaids Royall Burrows in the publick Taxations and Aids granted to His *Majeſty*. For remeed whereof, His *Majeſty*, with advice and conſent of His Eſtates of Parliament, Statutes and Ordains, that it is, and ſhall be the Priviledge of Free-men of Royall Burrows, and no other Incorporation or Perſon within this Kingdom, to buy or ſell, in great or whole ſale, Wine, Wax, Silks, Spiceries, Wald and other Materials for Dying; And that no other Incorporation or Perſon within this Kingdom, ſhall have power to import or export the ſame, or to import any other Commodities, except ſuch as are allowed to them by this preſent Act: But prejudice to Noble-men, Prelates, Barons and others, of their Priviledge of importing any of the ſaids Goods, for the proper uſe of themſelves and their families allanerly. Likeas, His *Majeſty*, with conſent foreſaid, Doth hereby Enact and Declare, that it ſhall be leiſom to any of His *Majeſties* good Subjects, or any perſon that ſhall buy from them, to export forth of this Kingdom, by ſea or land, all maner of Corns that are of the Growth of the Kingdome, all maner of Cattel, Nolt, Sheep, and Horſe, Coal, Salt, and Wool, Skins, Hydes, and all other Native Commodities of the Kingdom: And that it ſhall be leiſom to the Burghs of Regality and Barony, by any of their Burgeſſes or Members of Society, to export all their own proper Manufacture, or ſuch Goods as ſhall be bought by them in Fairs or Markets. And that it ſhall be leiſom to the ſaids Burghs of Regality or Barony, or Societies erected or to be erected for Manufacturs, and all others exporting the Native Growth of the Kingdom as aforeſaid, to import, in return of the ſaids Goods exported, or of the Fraught and Hire of the Ships, the Goods and Commodities following; *viz.* Timber, Iron, Tar, Soap, Lint, Lintſeed, Hemp, Onions, or other neceſſars for Tillage or Building, or for the uſe of their foreſaid Manufacture: And als, to top and retail all Commodities whatſoever. Likeas, His *Majeſty*, with conſent

consent of the said Estates, Statutes and Ordains, That, if any man, not being Free-man in the Royall Burrows, shall be found to have in his possession any Goods or Commodities to be bought or sold, exported or imported by him, contrair to this present Statute, and the Priviledge of the Royall Burrows granted thereby; The saids whole Goods shall be escheat, the one half to His *Majesty*, and the other half to the Burgh-apprehender: And that, if the saids Goods be apprehended within any of the saids Royall Burrows, or the Sub-urbs or Appendicles belonging to them, or within their Ports or Harbors; The famine may be summarly seised and secured, as Goods escheat in maner foresaid. But if the saids Goods, competent only to Free-men of Royall Burrows, shall be found, or alledged to be found, elsewhere, They shall only be arrested and pursued to be declared Escheat, to be divided in manner abovewritten, before any competent Judicator, as accords of the Law: And that, upon pretence thereof, the Magistrates of Burghs, or others by Commission from them, or any of their Inhabitants, shall not search or seise upon any Goods, or any way trouble or molest His *Majesties* good Subjects, living without the bounds of their saids Burghs or Sub-urbs, summarly and by way of fact, but only by Legall Process according to Law, upon the pretence of any Priviledge, Custom or Usage whatsoever, unless the Persons be apprehended in the present and actual transgression of the Priviledges of the Royall Burrows abovewritten, and that within the bounds of the saids Burghs, Sub-urbs and Ports thereof; Under the pain of being proceeded against as Committers of Ryot, and Disturbers of His *Majesties* Peace. Likeas, His *Majesty*, with consent foresaid, Cassis, Annulls and Rescinds all Acts of Parliament and Ratifications, in swa far as they are contrair to this present Statute: And Ordains Letters of Horning to be Direct summarly at the instance of all Royall Burrows, against all and whatsoever Persons who have transgressed, or shall transgresse the foresaids Priviledges, as the same are Established and Declared by this present Act.

VI.

ACT discharging second Summonds, &c.

Edinburgh, 10. of *July*, 1672.

Forasmuch as the former Practice and Custome, that Process and Summonds before the Lords of Session, for the most part, should be continued, hes been the occasion of delay of Justice, and of great trouble and charges to His *Majesties* Leiges, By reason, that when the Parties, at least the Defenders, did live at a great distance from the said Judicatory, after the Pursuer had raised the first Summonds, and had sent, and caused execute the same in remote places of the Kingdom: They were forced to return the same to be continued, and, upon an Act of continuation, to raise other Summonds, and to send the same again to the Countrey, and to cause execute the same in remote places of the Kingdom, for the most part by Messengers imployed and sent there of purpose; And to return the same before there could be any Process in the Cause foresaid. And even when Parties had their residence near the said Judicatory, and the Pursuers were concerned, and desirous, to insist with all possible diligence; and to that purpose had raised Summonds: Yet, if the Vacation-time did interveen, (during which their Summonds could not be continued) their Process could not be in readiness against the next ensuing Session, so that they were postponed by the space of diverse months, to their great prejudice. And Our Soveraign Lord, being tender, and equally carefull, of the Interest of His Subjects, both Pursuers and Defenders; And that a remedy may be provided for preventing the said inconvenients and prejudice to the Pursuers; and yet such a one, as the Defenders be not prejudged: Therefore His *Majesty*, with advice and Consent of His Estates of Parliament, Doth Statute and Ordain, that, in all Causes and Processes that shall be intended hereafter before the Lords of Session, of whatsoever nature the samin be; and albeit formerly the Summonds

were in use, and ought to have been continued: Yet the Pursuer shall not be oblidged to cause continue their Summonds, and to take out Acts of Continuation, and to cause raise and execute Letters and second Summonds thereupon, any Law, Custome, Statute or Act of *Sederunt* to the contrary notwithstanding, which is hereby Repealed. And because by the Law and Custome formerly observed in the Causes foresaid, being oft-times of great importance, a Decreet could not be obtained summarily upon a single Citation, which may be, and sometimes was industriously, and of purpose, so conveyed and concealed, that it could not come to the Defenders knowledge: And upon the consideration foresaids, after that the Defenders were cited by the first Summonds, they behoved again to be cited, and in some cases, not by Sheriffs in that part, but by Messengers at Armes, and with, and under other and higher certifications then were contained in the first Summonds. And seing it is just, and it is His *Majesties* intention that they should not be prejudged of the benefit and means foresaid, whereby they may be the better certiorate, and have time to deliberate, and prepare themselves for their defence: It is therefore Ordained by His *Majestie*, with consent foresaid, That all Summonds before the Lords of Session, which before were in use, and ought to have been continued, shall contain two severall Warrants for citing the Defenders in two severall times, and to two distinct diets and dayes of Compearance; And that the said Summonds be directed to Sheriffs in that part, and Messengers *respective*; and that, by the first Warrant to be insert in the said Summonds, such persons, as might, and were in use, to have executed the first Summonds, be warranted to give the first citation upon the same time, and with the same certifications as formerly were and ought to have been in citations upon the first Summonds: And by the second Warrant, Messengers at Armes, or such other persons as formerly were and ought to have been imployed to execute Letters or second Summonds, when they were apart, and upon Acts of Continuation, shall be warranted, and commanded to give the second Citation, after the passing and elapsing of all the time contained in the Warrant for the first Citation; And the said second Citation shall be upon the same time, and with the same certifications that were usuall in second Summonds, and in the Acts whereupon the same proceeded, according to the severall stiles, conception and nature thereof *respective*. And it is Declared, That upon all Summonds against Parties, either within or without the Country, containing the said Warrant for two Citations, being execute as said is, and no otherwise, Process shall be granted in all Causes which before did abide Continuation, in the same manner,

ner, and with the same effects, to all intents and purposes, as were granted upon Summonds, Acts of Continuation and Letters: And in all other Processes and Causes, which did not require Continuation, It is Declared, that the Summonds shall be libelled, and Process shall be granted thereupon as before, and in the same manner, without any change or alteration. And it is further Statute and Ordained, that, in time coming, all Executions of Summonds shall bear expressly the names and designations of the Parties Pursuers and Defenders: And that it shall not be sufficient that the same do relate generally to the Summonds, otherwise the Execution shall not be sustained.

VII.

ACT concerning Writs passing the Great and Privy Seals.

Edinburgh, 12. of July, 1672.

THe Kings *Majesty*, considering how much His own Service and the Interests of His Subjects is prejudged, by the neglect of Registrating these Charters, Infeftments, Gifts, Commissions and other Writs, which do pass, and are written to, the Great and Privy Seals; Doth, for remeeding and prevening of this evill for the time to come, with Advice of His Estates of Parliament, Statute and Ordain, that all Charters, Infeftments, Commissions, Gifts and other Writs which hereafter shall pass under the Great and Privy Seals, shall be Registrat in the Registers of the Great and Privy Seals *respective*, before the Seal be appended to them: And the Writers to these Seals, who keep the Registers thereof, are hereby Ordained to Registrat every Writ passing their Office, and, by their subscription, to mark the same on the back thereof, to be written and Registrat by them, before they give them out to be sealed; and that they make, and keep a perfect Minut-book, containing the Names, Surnames and Designations of the Persons in whose favours the Charters and other Writs are granted, with the Names of the Lands and speciall matters therein contained: And the keepers of these Seals are hereby Discharged to append the Seals to any Writs which are not so marked and attested to be

Registrat,

Regiſtrat, as they will be anſwerable. And His *Majeſty* further conſidering, that the Writing of Precepts of Seaſing, to paſs under the Quarter Seal, is a great and unneceſſary trouble to His Subjects, and may be aſwell, and with leſs trouble ſupplied, if the Precept of Seaſing were inſert in the Charter; Doth therefore, with advice foreſaid, Suppreſs, and for ever Diſcharge, the Paſsing or Writing of any Precepts of Seaſing to, or under the Quarter Seal: And Ordains, that, in lieu thereof, every Charter ſhall, towards the end, contain a Precept of Seaſing of all the Lands and others contained therein; which ſhall be als ſufficient for taking of Seaſings, as if the ſame were paſt under the Quarter Seal as ſaid is. Likeas, His *Majeſty*, underſtanding the great trouble and inconveniencies occaſioned by the Writing of long Charters and other Writs, which paſs the Seals aforeſaid, in one broad parchment, of ſo great length and largeneſs, that they can hardly be read: Doth, for remeid thereof, with advice foreſaid, Statute and Ordain, that it ſhall be free to any perſon, who hath any Charter or Writ to be written for the Great or Privy Seals, to choiſe whether to have the ſame written in a broad skin of parchment as formerly, or to have them written by way of a book in leaves of parchment, about the breadth of an ordinary ſheet of paper; and accordingly, the Writers to the Great and Privy Seals, are hereby Ordained to write and expede the ſame: And, if they ſhall be written in the way of a book, that each page be ſigned and marked by them as ſaid is. Which being done, the reſpective Seals are to be appended thereto in manner following: *viz.* To ſuch as ſhall be written on a skin of parchment in the ordinary way, That the Seals be appended as formerly: And to theſe which ſhall be written in the book way, That the Seals be appended upon a Tye or Band, which is to go thorow all the Leaves in the Margine. And that for doing hereof, this ſhall be a ſufficient warrand to all perſons concerned.

ACT

VIII.

ACT concerning Arreſtments uſed within Burghs.

Edinburgh, 12. of *July*, 1672.

OUr Soveraign Lord conſidering, That the Burrows Royall have been in uſe to arreſt Strangers, who live without their reſpective Burghs, for all Debts due by them to any of the Inhabitants Burgeſſes of the ſaid Royall Burrows, any manet of way, without diſtinction; Do daily force them to find Caution to compear before the Town-Courts, or otherwiſe go to Priſon, to the great hurt and prejudice of the Leiges, who, being Strangers, and not able to find Caution within Burgh, are oftentimes ſummarly incarcerat, without any juſt cauſe, to their great dammage, expenſes, and diſgrace. For remeid whereof, His *Majeſtie*, with advice and conſent of His Eſtates of Parliament, Statutes and Ordains, that, in time coming, no Burgeſs nor other Inhabitant of any Royall Burgh ſhall have power, or be permitted, to arreſt any of His *Majeſties* Subjects of this Kingdom, who live outwith the Burgh, or force them to find Caution, or impriſon them as ſaid is, for any debt whatſoever; Except allanerly for Horſe-meat or Mans meat, Abuilzements or other Merchandice due by Strangers to Burgeſſes: For which they have no other ſecurity but their own Compt-books; and for which the ſaid Priviledge of Arreſtment ſhall only be competent to the Merchant, Innkeeper or Stabler *reſpectivè* from whom the ſamin was gotten, and to whom it was originally addebted: So that, in caſe the ſamine be aſſigned to any other Burgeſs, the Aſſignee ſhall not have the benefit of that Priviledge. And ſiklike, if Strangers have given Band or other ſecurity, for the Mans meat, Horſe-meat, Abuilzements or other Merchandice, The Merchant, Innkeeper or Stabler *reſpectivè* ſhall not have the benefit of the foreſaid Priviledge; but ſhall be left to purſue for their reſpective Debts before the Judge Ordinar as accords. And in regard that Burghs of Regality and Barony do aſſume the ſame Priviledge; Therefore His *Majeſty*, with advice foreſaid, Inhibits and Diſcharges the Magiſtrates of theſe Burghs to Arreſt or Incarcerat

any perſons who are not Burgeſſes Inhabitants in their Burgh, for any maner of Debt: And it is hereby Declared, that, if any Magiſtrate of any Burgh ſhall preſume to do in the contrair hereof, They ſhall be puniſhed for wrongous Impriſonment of His *Majeſties* Leiges.

IX.

ACT againſt Unlawfull Ordinations.

Edinburgh, 24. of *July*, 1672.

OUr Soveraign Lord conſidering, That the true and regular way of Ordination to the holy Calling and Imployment of the Miniſtry is of great and neceſſary Importance, to the Conſtitution, Peace and Unity of this Church, and for preſerving the Reverence and Intereſt of the Reformed Religion profeſſed in it; and for the preventing of the growth of ſcandalous Schiſm and Confuſion ariſing from various and different Ordinations: Doth therefore, with advice and conſent of His Eſtates of Parliament, Statute and Ordain, that no perſon or perſons whatſoever preſume to Appoint or Ordain any perſon to the Office and Work of the Miniſtry, except theſe who have Authority approven by the Laws of the Kingdom for that effect, and that no perſon take Ordination from any, but ſuch as are thus lawfully Authorized to give the ſame: Declaring hereby, all pretended Ordinations of any perſons, ſince the Year, 1661. which have not been, or hereafter ſhall not be, according to the Appointment of the Law, to be null and invalid; And all perſons who, ſince the ſaid Year, have received pretended Ordination, or ſhall receive the ſame any other maner of way than as is ſettled by Law, to be no Miniſters. And His *Majeſty*, with advice foreſaid, Statutes and Ordains, that both the pretended Ordainers, and theſe who ſhall pretend to have received Ordination, be ſeiſed upon by the Sheriff or other ordinar Magiſtrat of the place, and committed to priſon, untill they be dilated to the Lords of the Privy Council; Who are hereby Authorized and Ordained, after triall, and finding the ſaids perſons guilty, to

to ſentence them by Confiſcation of all their moveable Goods, and baniſhing them, and to cauſe them find Caution not to return to His *Majeſties* Dominions. And in caſe they ſhall refuſe to find Caution, or, being baniſhed, ſhall afterward return to this Kingdom, that they ſhall ſuffer perpetual impriſonment, and not to be releaſed, except by a Warrand under His *Majeſties* own Hand. And farther, it is hereby Statute and Declared, that whoſoever ſhall be married within this Kingdom by the foreſaids perſons, or by any other perſon not lawfully Authorized, They ſhall amit and loſe any right or intereſt they may have by that Marriage, *jure Mariti vel jure Relictæ*, and that by and attour the pains and penalties provided by the Act of Parliament in *Anno* 1661. againſt diſorderly and clandeſtine Marriages: Which Act is hereby Ratified and Renewed.

X.

ACT concerning Apparell.

Edinburgh, 26. of *July*, 1672.

OUr Soveraign Lord conſidering the great prejudice which this Kingdom doth ſuſtain by the ſumptuouſneſs and prodigality which all ſorts of Perſons uſe in their Apparell, without regard to, or diſtinction of, their ſeverall degrees and qualities; conſiderable ſummes of money being, upon that occaſion, unneceſſarly exported out of the Kingdom, and the Native Commodities and Manufactories thereof being thereby neglected, and not improven for the uſe and advantage of the Inhabitants: For remeid whereof, His *Majeſty*, with advice and conſent of His Eſtates of Parliament, Statutes and Ordains, that none of His *Majeſties* Subjects of this Kingdom, of whatſoever degree, condition or quality, ſhall, after the firſt day of *June*, One thouſand ſix hundred threeſcore thirteen Years, wear any Clothes or Apparell wherein there is any Gold or Silver; or wear any Gold or Silver Laces of whatſoever kind,

kind, Buttons, Ribbands, Tracings, Fringes or Louping made of Gold or Silver; Or have any Imbroidering of Gold or Silver upon their Apparell, Sword-belts or any other manner of way: Excepting alwayes Buttons, Buckles and Hilts of Swords of Gold-smith-work, which the Priviledged Persons after-expreſt are allowed to wear, and no others: And that none wear any Flowred Stuffs, Stripped Stuffs, or Brocado's of Silk, or have any Silk-lace, Gimp-lace, or any other kind of Lace or Imbroidering of Silk upon their wearing Clothes: And that no person presume to import into this Kingdom, or make, or sell therein any of the Commodities above-expreſt after the date hereof; Certifying such as shall contraveen, that they shall be lyable in the pains following, *viz.* The Importer, Maker and Seller, shall be fyned in One thousand pounds *Scots*, by and attour the Confiscation of the Goods so imported, made or sold: And the Wearer thereof in Five hundred merks *Scots*, *toties quoties*, by and attour the Confiscation of the Clothes. And it is hereby Declared, that the Importer of such prohibited Goods shall not have Action, for the price thereof, against the Merchant, for whose use the same were imported; Nor the Seller thereof against the Buyer, albeit Bands be given for the same, if it can be made appear that the Bands were given for that cause: Excepting alwayes from this present Act, Comedians, as to the Clothes which they make use of upon the Stage; Heraulds, as to their Coats, and His *Majesties* Trumpetters; And also excepting Pages and Lacqueys of the priviledged Persons afternamed, as to Silk-laces and Passments allanerly, which they are hereby allowed to wear upon their Livery-clothes. And His *Majesty*, with advice foresaid, Doth Statute and Ordain, that none of His Subjects shall, after the first of *June* next, wear any Clothing or Apparell of Velvet, Sattin or other Stuffs of Silk, or wear any Beaver-hats, under the pain of Five hundred merks, to be payed by the Controveener, *toties quoties*: Except Noblemen, Prelates, His *Majesties* Counsellors, Lords of Session, and such Barons, Knights, or Gentlemen, who have of yearly valued Rent Two thousand pounds *Scots* money; And the Provosts of the principall Burrows within this Kingdom; Or these that have been Provosts, and such also as shall be for the time, or have been Provosts, Baillies, Dean of Gild or Thesaurer within the Town of *Edinburgh*: Excepting also Rectors of Universities, and the Wives of the saids Priviledged Persons, their eldest Sons and eldest Daughters unmarried, and all the Children of Noblemen. And that none wear any Ribbands or Louping of Silk upon their Apparell, or any white Lace, or Point made of Threed, under the pain of Five hundred merks *Scots toties quoties*; Excepting the Priviledged Persons aforesaid, who are hereby allowed

lowed to wear plain Taffety-ribbands upon their Apparell, and to wear white Lace or Point made of Threed upon their Linnings only. And all Persons whatsoever are hereby prohibited to wear Feathers, except Souldiers, under the pain aforesaid: But prejudice alwayes to all ranks of Persons (except those of the Yeomanry) to wear plain Taffety-ribbands upon such parts of their Apparell where they may have occasion of the same for Tyes; and to Women to wear Hoods and Skarfs of Taffety: And but prejudice to domestick servants to wear their Masters or Mistresses old Clothes, allowed to them by this Act. And for the better effectuating hereof, His *Majesty*, with advice foresaid, Ordains all Collectors of Assessment and Excise, and their Sub-collectors, Farmorers and Collectors of Customes, and Waiters in Burgh or Land, at every Term to give up, upon Oath, to the Commissioners of Excise in the severall Shires and Burghs, and to the Generall Collectors of the Customes and Excise, Lists of all those whom they have seen and observed to transgress this Act: And it is hereby Declared, that the one half of the penalties aforesaid shall belong to themselves, and the other half shall be collected by them for His *Majesties* use; Triall being first taken, and the Persons found guilty, by the Commissioners of Assessment or Excise, Justices of Peace, or other ordinary Magistrate of the place: And such Contraveeners as they shall not give information of, that the one half of their Fynes shall belong to any other person who shall discover them. And in case the said Collectors of Assessment and Excise, Farmorers and Collectors of Customs, or Waiters, shall failzie to give up the said Lists as aforesaid, They shall thereby lose their places, and be incapable of that Service for ever. It is alwayes provided, that no persons contraveening this Act, shall be liable to the saids penalties, unless their names be given up within the space of three months after their incurring thereof: But prejudice alwayes to any other person, who shall discover the Contraveeners in maner foresaid, of the one half of the penalties, whensoever they shall discover them. Likeas, the Commissioners of His *Majesties* Justiciary are hereby required to give Order, at their Circuit Courts, to take up Dittays against the Transgressors of this Act; and to proceed against them, by fyning them in the summs abovementioned, and to exact the same. Likeas, His *Majesty*, with advice foresaid, Doth hereby Authorize and Impower the Lords of His Privy Council to take such further course, for making this Act effectual, as They shall think fit.

XI.

An ACT against such who do not Baptize their Children.

Edinburgh, 16. of *August*, 1672.

THe Kings *Majesty*, considering that diverse disaffected persons in this Kingdom, being unwilling to have their Children Baptized in an orderly way, do either delay to baptize them, or pretend that they are not baptized, thinking thereby to escape the punishment which, by former Acts of Parliament, is appointed to be inflicted upon such as are guilty of disorderly Baptizing: Doth therefore, with advice and consent of His Estates in Parliament, Statute and Declare, that such Parents, who shall hereafter keep their Children unbaptized for the space of thirty dayes together, or shall not produce a Testificat under the hand of the Minister of the Parish, bearing that the Children were Baptized within the said space, shall incurre, and be lyable to, the pains and penalties following: *viz.* Every Heritor, Liverenter, or proper Wodsetter, shall be fyned in a fourth part of his valued yearly Rent; Every person, above the degree of a Tennent, having a personall, but no reall Estate, in One hundred pounds *Scots*, Every considerable Merchant, in an hundred pounds, Every inferior Merchant, or considerable Tradesman, and every Tennent labouring Land, in fifty pounds, Every meaner Burgess, Tradesman, Inhabitant within Burgh, and every Cottar, in twenty pounds *Scots*, and every Servant in half a years Fee. And it is hereby Declared, that, where Kirks are Vacant, the Parents shall, within the said space of thirty dayes, be oblidged to go to the next adjacent Parish Kirk which is Planted, and obtain their Children Baptized there, under the foresaid penalties. And His *Majesty*, with advice foresaid, Requires the Sheriffs, Stewarts, Lords of Regalities, and their Deputs, and Magistrates of Burghs Royall, within their respective bounds, to put this Act in execution, by calling before them, and judging the Contravenerś, and uplifting the Fynes abovementioned: And for

their

their encouragement, They are hereby allowed to retain the Fynes of all the ſaids perſons for their own uſe; except theſe of Heritors, for which they are to be comptable to the Commiſſioners of His *Majeſties* Theſaurary.

XLII.

ACT for an Anniverſary Thankſgiving.

Edinburgh, 21. of *Auguſt*, 1672.

THe Eſtates of Parliament, conſidering the great Bleſſing of Almighty God, in reſtoring His *Majeſty* to the Throne of His Royall Anceſtors; and thereby liberating theſe Kingdoms from the thraldom and bondage under which they did ſo long groan; In acknowledgment of Their Thankfulneſs to God, and of Their Duty and Loyalty to His *Majeſty*, and that the memory of ſo great a Mercy may never fall in oblivion or neglect: Do humbly offer to His *Majeſty*, that the Anniverſary Solemnity be yearly and perpetually kept by all the People of this Kingdom, upon the 29th of *May*, being the Day of His *Majeſties* Birth and Reſtauration. Therefore His *Majeſty*, with conſent of the Eſtates of Parliament, Statutes and Ordains, that the Anniverſary Solemnity, for His *Majeſties* happy Birth and Reſtauration, ſhall, in all time coming, be kept upon the 29th day of *May* yearly; and that ringing of Bells, throughout the whole Kingdom, and other Evidences of Joy, be obſerved the ſaid whole Day, with Bonefires at night; And that all Miniſters within the Kingdom ſhall Preach yearly upon the ſaid 29th of *May*, that they, with the whole People, may give thanks to God Almighty, for His ſo ſignall Goodneſs to theſe Kingdoms. Certifying, that whoſoever ſhall fail in obſerving this preſent Act, they ſhall be fyned, and otherwiſe puniſhed, by His *Majeſties* Privy Council, and other Judges ordinar, according to their condition and eſtate. And His *Majeſty*, with advice foreſaid, Declares, that this preſent Act ſhall be the Rule and Warrant for the ſaid Anniverſary, in all time coming.

Act

XIII.

ACT for the Ann due to the Executors of Bishops and Ministers.

Edinburgh, 23. of *August*, 1672.

THe Kings *Majesty*, judging it necessary, for the good of the Church, that such a stated and equall course be taken for clearing and securing the Ann due to the Executors of deceast Bishops, Beneficed Persons and Stipendiary Ministers, as may be suitable to the Interest of the Executors, and no discouragement or hinderance to the Planting of the Vacant Benefices: Doth therefore, with advice and consent of His Estates of Parliament, Statute and Ordain, that, in all such cases hereafter, the Ann shall be an half years Rent of the Benefice or Stipend over and above what is due to the Defunct for his Incumbency; Which is now settled to be thus, *viz.* If the Incumbent survive *Whitsunday*, there shall belong to them for their Incumbency, the half of that Years Stipend or Benefice, and for the Ann the other half: And if the Incumbent survive *Michaelmas*, he shall have right to that whole Years Rent for his Incumbency; and for his Ann, shall have the half Years Rent of the following Year: And that the Executors shall have right hereto, without necessity or expences of a Confirmation.

ACT

XIV.

ACT for the Retouring of Taxt-Marriages.

Edinburgh, 23. of *August*, 1672.

THe Kings *Majesty* and the Estates of Parliament, taking to their consideration the great prejudice His *Majesty* sustains by the severall Services of Heirs, holding Land of His *Majesty*, Waird, Taxt or Few with the Marriage; And the Retour making no mention of the Taxt of the Marriage, His *Majesty* is oft-times frustrate of His Casuality of the Marriage: For preventing whereof, It is Statute and Ordained, that the Inquest upon each Service of Heirs, holding Lands Waird, Taxt or Few with the Marriage, shall hereafter take tryall what is the Taxt for the Marriage, and of the Few *cum Maritagio*, if it be Taxt; and return the same to the Chancellary, to be insert in the Precept.

XV.

Commission for Plantation of Kirks, and Valuation of Teinds.

Edinburgh, 28. of *August*, 1672.

FOrasmuch as His *Majesties* Father, of ever blessed Memory, out of His Royall Care and Zeal for the Reformed Religion within this Kingdom, and the maintenance and provision of the Ministry and Churches thereof, and the Peace of the Kingdom, and for preventing, and settling all Questions and Differences that did, or might arise betwixt Titulars and others having right to Teinds, and Heritors, concerning the leading and drawing of their Teinds; Did, immediately after His attaining and succeeding to the Crown, Give forth and emit His Royall Declaration anent the premisses, and the other particulars therein mentioned. And in pursuance of the ends foresaids, diverse

Laws and Acts of Parliament were made in the Year of our Lord, 1633. His said *Majesty* being present in His Royall Person; and since, diverse Acts of Parliament and Commissions have been, from time to time, Made, Given and Renewed to that purpose: And yet, by reason of the unhappy Troubles and Distractions of the late Times, that good and necessary Work neither is, nor could be throughly and fully accomplished. And, His *Majesty* being resolved, and desirous to prosecute so good a Work, for the universall Good of His Subjects, and specially for the encouragement of the Ministers of the Gospel: Therefore His *Majesty*, with advice and consent foresaid, Gives full Power and Commission to His *Majesties* Officers of Estate for the time being; And to the Arch-Bishop of *St. Andrews*, the Arch-Bishop of *Glasgow*, the Bishop of *Edinburgh*, the Bishop of *Dunkeldin*, the Bishop of *Galloway*, the Bishop of the *Isles*, the Bishop of *Breichin*, the Bishop of *Dumblane*, and the Bishop of *Aberdene*, for the Clergy; The Duke of *Hamilton*, the Earl of *Argyl*, the Earl of *Athol*, the Earl of *Linlithgow*, the Earl of *Queensberry*, the Earl of *Tweedale*, the Earl of *Kincardin*, the Earl of *Dundonnald*, and the Lord *Elphingstoun*, for the Nobility; The President of the Session, the Lord *Colingtoun*, the Lord *Gosford*, the Lord *Craigie*, the Laird of *Niddrie*, the Laird of *Nicolson*, the Laird of *Balcaskie*, Sir *Charles Erskin* of *Cambo*, and Sir *William Lockhart*, for the Barons; Sir *Andrew Ramsay*, Sir *William Thomson*, Sir *William Sharp*, Sir *Alexander Bruce*, *John Murray*, Tutor of *Stormonth*, *Robert Milne*, *Thomas Calderwood*, *William Binning*, and *John Johnstoun* of *Poltoun*, for the Burgesses; Or any eleven of them, whereof two of the Clergy, two of the Nobility, two Officers of Estate, and two Commissioners of Shires, & two of Burghs; Of which number, the Arch-Bishop of *St. Andrews*, or the Lord Chancellor, or one of the Commissioners of the Thesaurary, or the Arch-Bishop of *Glasgow*, or the Lord Privy Seal, or the Lord Secretary, or the Duke of *Hamilton*, or the Earl of *Tweedale*, being alwayes one, To meet and conveen at *Edinburgh*, the day of Years; And at such other place or places, times or diets as They shall appoint, To value, and cause be valued, whatsoever Teinds great or small, Personage or Vicarage, within this Kingdom, which are yet unvalued; Declaring, that where the Vicarage of any Parish is a severall Benefice and Title from the Parsonage, the same shall be severally valued, to the effect the Titulars, or Ministers serving the Cure, having right to the said Vicarage, be not frustrated of the true worth thereof. With power to the said Commissioners, or *Quorum* foresaid, to appoint Committees, or Sub-committees of their own number, and to grant Sub-commissions, and to receive reports from them, and to approve

prove or disapprove the same, as they shall find just; and to rectifie whatsoever Valuations led or to be led, to the enorm prejudice of the Titulars, or the hurt and detriment of the Kirk, and prejudice of the Ministers maintenance and provisions. Provided alwayes, Likeas it is hereby expressly provided, that, where Valuations are lawfully led against all parties having interest, and allowed by former Commissions; The same shall not be drawn in question, nor rectified, upon pretence of enorm lesion, at the instance of the Minister, (not being Titular) or at the instance of His *Majesties* Advocat, in respect of His *Majesties* Annuity; Except it can be proven, that collusion was used betwixt the Titulars and Heritors, or betwixt the Procurator Fiscal and Heritors and Titulars: Which collusion is declared to be, when the Valuations are led with the diminution of the third part of the just Rent: which diminution shall be proven by the parties oath: And with power to the saids Commissioners, or *Quorum* foresaid, where Ministers are not already sufficiently provided, or have not Localities assigned to them for their Stipends, out of the Teinds within the Parish where they serve the Cure, in so far as the samin will amount to, according to the quantities, proportions and rules contained in the nineteenth Act of the Parliament in *Anno*, 1633. To modifie, settle and appoint constant locall Stipends to ilk Minister, out of the Teinds of the Parish where they serve the Cure. With power also, to grant recompence, by prorogation of Tacks to parties, for the augmentation of Stipends, which shall be imposed suteable to the said augmentation, as the saids Commissioners shall think just. And siklike, with power to disjoin too large and spacious Parishes, to cause erect and build new Churches, to dismember and annex Kirks, as they shall think convenient. And to take order, that every Heritor and Live-renter shall have the leading and buying of their own Teinds, if they be willing, according to the rules prescribed by the nineteenth Act and Commission granted by His *Majesty*, with consent of the Estates of Parliament in *Anno*, 1633. and the Acts of Parliament therein mentioned. With power to determine all Questions concerning the prices of Teinds betwixt Titulars and others having right thereto, and the Heritors: and to appoint such securities, in favours of the Titulars and others having right to the Teinds, for the prices to be granted to the Heritors or others lyable in payment of the valued Duties, or Buyers of the saids Teinds; and in favours of the Ministers, as to their maintenance, as the saids Commissioners shall think fitting, according to the Rules set down in the said Act in *Anno*, 1633. And the Heritors to have liberty to buy the Teinds of their Lands which are not valued, within the space of three years after the date of this Act: With this Declaration alwayes, that,

in

in case the impediment, during the time foresaid, flow from the Titular, by reason of his minority or other inability; in that case the Heritor, who offered to buy his own Teind within the space foresaid, shall have place, so soon as the impediment is removed, to buy his Teinds, notwithstanding of the expyring of the years and space above-expresst. And it is Declared, that, if the Heritor be Minor, and his Tutors neglect the buying of his Teinds within the foresaid space, The Minor shall have action for two years after his minority, to compell the Titular to sell his saids Teinds: And generally with power to the saids Commissioners to decide and determine in all other points which may concern the leading and drawing the Teinds, the selling or buying of the same, or payment of the rates thereof, contained in the former Acts of Parliament, or set down in the generall determination given out by His *Majesties* Royall Father, of blessed Memory. And if any person or persons shall find themselves grieved, and complain of the injustice or exorbitancy of any Decreets and Sentences given in any of the Commissions during the late Troubles, with power to the saids Commissioners to take the same to their consideration, and to alter, annull or allow the saids Decreets and Sentences, as they shall find just. And it is alwayes Provided and Declared, that Arch-Bishops and Bishops, and other Benefic'd Persons, being Ministers, and their Successors, shall not be prejudged of the Rents whereof their Predecessors were in actuall and reall possession, and which, by the Laws of the Kingdom, were due to them in *Anno*, 1637. And that they shall be no farther bound, but according to the provisions and conditions expresst in the Submissions made by the Bishops to His *Majesties* Royall Father, of blessed Memory, which is of the date the day of 1628. Years, and Registrate in the Books of Commission for Surrenders and Teinds, upon the 15. day of *July*, 1631. And whereas it may fall out, that some of the saids Commissioners may be unable to attend the Service, through death, sickness or other known impediment: Therefore His *Majesty* Declares, that He shall be carefull to fill their places with other Persons qualified, whose Oaths, for faithfull discharge of the same, shall be taken by the Chancellor, or, in his absence, by the President of the Commission for the time; And Ordains this present Commission to endure ay and while the same be discharged by His *Majesty*, and the Acts, Decreets and Sentences thereof to have the force, strength and effect of a Decreet and Sentence of Parliament; and the Lords of Session to grant Letters of Horning, Poinding and others requisite in manner contained in the foresaids Commissions. And His *Majesty*, with consent foresaid, hereby Discharges all former Commissions, Declaring the same to be expyred.

ACT

XVI.

ACT concerning the Regulation of the Judicatories.

Edinburgh, the 30. of *August*, 1672.

THe Kings *Majesty* being desirous, that the publick Judicatories of this Kingdom might be so regulat, that all abuses which had, or might probably creep into the same, be redressed and prevented; and that the best, most summar and equal way, of bringing and calling of Processes for dispensing of Justice, should be settled, as his Subjects might be relieved and secured against oppression and exactions, and that Justice might be administrat to them with expedition, and as little trouble and charge as may be: Did, by a Commission under the Great Seal, of the 21. of *September*, 1669. Authorize some Noblemen and others of his Privy Council and Session, to consult, settle and set down such Rules and Orders as they should judge necessary for these ends, and to return an account of their proceedings to His *Majesty*, that He might take such course therein, as in His Royal Wisdom He should think fit. In obedience whereunto, the Commissioners having had several meetings, and consulted on the best and readiest wayes, for the prosecution of His *Majesties* Royal Intention, for the good and ease of His Subjects, and finding the same to be of such importance, as required a longer time to make a full settlement therein; Yet, in the moneth of *March*, 1670. they agreed unto, condescended upon, and did return to His *Majesty*, certain Rules and Articles of Regulation, without prejudice of what, upon surder consideration, they should thereafter offer for a full settlement. And His *Majesty* having considered these Rules and Articles, did, by His Royal Allowance of the fourth of *June*, 1670. Ratifie and Approve the same, and did Ordain them to be duly observed in all time coming. And the Commissioners having since that time, keeped several Meetings, and taken that Affair into their surder consideration, have resolved upon some other Articles, Rules and Amendments, which being joyned with the former, and again offered to His *Majesties* consideration, His *Majesty* doth, with Advice and Consent of His Estates of Parliament, Ratifie and Approve the same, and Ordains them to be recorded in the Books of Parliament, and duly observed by all His *Majesties* Subjects. Of the which Articles, the Tenor follows.

Concerning the SESSION.

I.
Eing a great part of the trouble and expences of the Lieges, in obtaining of Juſtice in their Cauſes, is occaſioned through the uncertainty of their attendence, upon Proceſſes depending before the Lords of Seſſion; whereby not knowing any certain time, at or about which their Proceſſes will be called, they are neceſſitat to wait on the moſt part of the time of the Seſſion, during the dependence of their Proceſſes, or otherwayes to be abſent when the ſame are diſcuſſed. That therefore, all Proceſſes ſhall be diſcuſſed and determined as the Parties are in readineſs, and do call for Juſtice after the ſame have been ſeen by the Defenders Advocats, and are returned by them; And that according to the date of the Returns which are ſet down, and ſigned by the Defenders Advocat upon the Proceſs it ſelf, that no Parties be preferred in obtaining Juſtice to any other who was ready, and calling for it before. And that Books of Enrollment be made for enrolling the ſaid Proceſſes, according to the dates of the Returns; that thereby notice may be timeouſly given to all Parties having Intereſt in the Proceſs, how far the Lords of Seſſion are advanced, in diſcuſſing and determining Proceſſes according to the ſaids Rolls, that the Parties may be preſent when their Proceſſes will fall in to be diſcuſs'd and determined, in their courſe as they ſtand in the Rolls; and may in the mean time reſt quiet and ſecure, that their Rights and Intereſts will not be decided when they cannot know to be preſent, which cannot be attained, unleſſe all priviledges whereby any Cauſe can be called, otherwiſe then according to its due courſe in the ſaids Rolls, be laid aſide; Excepting only the Cauſes belonging properly to the Kings *Majeſty* (and not to Donators or others) which may be called at any time when His *Majeſties* Advocat pleaſeth, upon either of the two next *Sederunt*-dayes after the Proceſſe is returned; or if the ſame be not called on either of the ſaids two dayes, at any time thereafter, upon fifteen dayes advertiſement to the Defenders Advocats, that they may acquaint their Clients to be preſent.

2. That the Books of Enrollment for the Outer-houſe be kept and made up by the perſon appointed, or to be appointed by

by the Lords of Session, who shall attend at the Session-house each Saturday in Session-time, from two a clock in the afternoon, till four, and shall take up a Note of all Processes shown to him, containing the names and designations of the Pursuers and Defenders, and the name of the Cause, whether it be Advocation, Suspension, Declarator, Reduction, or any other having a special name, or otherwise under the name of Lybell'd Summons, and contain the date of the return, signed by the Defenders Advocats upon the Process, and by the said Note, shall insert in the Books all that is produced that day, in manner following, *viz.* in one Book Suspensions, Advocations, Removings, Ejections and Recent-spulzies: And in the other Book, all other Causes, according to the dates of the Returns, expressing in the Books, the day of the moneth of the up-taking, before the Causes taken up that day, and also expressing the day of the moneth of the return, before the Causes returned each day, and shall interline nor insert no Cause in the said Books, but set them down in order as they were presented, according to the date of their returns; and shall receive for inserting of the saids Causes in the Books, and for affixing Rolls upon the Wall conform to the said Books, for every Process four shillings *Scots*, and no more, although the said Process should continue to be Enrolled several weeks, untill the Ordinary have called and heard the same; which Books of Enrollment shall alwayes remain in the Session-house, and be patent to the Lieges, that thence advertisements may be given to all parties having interest; and for shewing whereof, the Keeper of the Books shall exact or take no money or gratification.

3. That the Keeper of the Books of Enrollment for the Outer-house, take out of these Books, and affix each Monday upon the ordinary place of the Wall of the Outer-house, two Rolls, one containing Suspensions, Advocations, Removings, Ejections and Recent-spulzies, to be called upon Tuesday and Wednesday; And the other Roll containing the Causes insert in the other Book of Enrollment, to be called upon the rest of the dayes of the week; which Rolls are to be taken up in all things conform to the said Books of Enrollment, expressing the day of up-taking; and that the day of the moneth of the several Returns, be set before the Processes insert each day, and each subsequent weeks Roll shall, in the first place, contain what remained undiscuss'd by an Act, Decreet, or Protestation, or not delet by the Ordinary, upon the Pursuers not insisting. And where Processes are delayed to a day, till the Parties see, or something be produced or done, which requires not an extracted Act, the same shall remain in all subsequent Rolls, in the same day that it was in the first Roll, that after the day to which it was delayed, it may be called by the Ordinary till it be discuss'd or delet: And for that

effect, the Ordinary ſhall on the Margent of the Roll, mark at that Proceſs, to what day it is delayed, which ſhall remain ſo marked in the ſubſequent Rolls, till the Cauſe be diſcuſſed. And in caſe the Ordinary ſhall diſcuſſe the Roll of the Cauſes above-expreſt, appointed to be called upon Tueſday or Wedneſday before theſe two dayes expire; he is to proceed to the diſcuſſing of the Cauſes in the other Roll.

4. That the Keeper of the ſaid Books of Enrollment for the Outer-houſe, do exactly and punctually obſerve the Rules and Orders aforeſaid, and that the perſon who ſhall hereafter be appointed Keeper of the ſaids Books, give his oath for that effect, (the preſent Keeper of theſe Books having already made faith to that purpoſe) and if he tranſgreſs the ſaids Rules, the Lords ſhall deprive him of his Office, and otherwayes puniſh him as they ſee cauſe, and appoint another in his place, who, and his ſucceſſors, ſhall alwayes be lyable for obſerving the premiſſes.

5. That in like manner there be a Book of Enrollment of Proceſſes to be diſcuſs'd in the Inner-houſe, containing Cauſes proper for the Inner-houſe; as the diſcuſſing of reaſons of Reduction of Heretable Rights of Lands, or Annual-rents, Declarators of Rights thereof, Probations of Tenors of Writs deſtroyed or loſt, *Ceſsiones bonorum*, which Book ſhall be kept by a perſon appointed, or to be appointed by the Lord Chancellor, who ſhall inſert the ſaids Proceſſes as they are in readineſs to be diſcuſs'd in the Inner-houſe, *viz.* Reductions after the Production is cloſed, and Declarators, Tenors and *Ceſsiones bonorum*, after the Dilators are diſcuſſed in the Outer-houſe, and a great *aviſandum* made by the Ordinary in the Outter-houſe, who is to proceed no further therein; and that according to the date of that great *aviſandum*, as it ſtands written upon the Proceſs by the Clerk of the Proceſs: And where the Lords, upon report of Diſpute from the Outer-houſe made by the Ordinary, ſhall for the importance, intricacy, or preparative of the points reported, ordain the Cauſe to be heard in preſence of the whole Lords, the ſaid Proceſs ſhall be inſert in the Roll of the Inner-houſe, according to the date of the Lords deliverance, appoining it to be heard in their preſence.

6. That there be a Book of Enrollment of concluded Cauſes, whereof the probation is to be adviſed by the Lords, to be inſert according to the date of the concluſion of the Cauſe, as the ſame ſhall be preſented by the Clerks of the Proceſs, to be kept by the Keeper of the ſaid Book of Enrollment for the Inner-houſe.

7. That the Keeper of the ſaids Books of Enrollment for the Inner-houſe, ſhall attend in the Seſſion-houſe each Saturday from two to three a clock in the afternoon, and ſhall receive and inſert all Proceſſes which ſhall be offered to him in either of the ſaids Books, according to the order forſaid; and ſhall receive thirty

ſhillings

ſhillings Scots for each Proceſs to be inſert in the book of Cauſes to be diſcuſs'd, and twelve ſhillings for each Cauſe to be inſert in the Book of concluded Cauſes, and ſhall exact or take no more for himſelf or his ſervants; and ſhall make the ſaids Books patent to all the Lieges freely, and ſhall affix a Roll both of Proceſſes to be diſcuſs'd in the Inner-houſe, and of concluded Cauſes, in all things conform to the Books, upon Monday, als oft as need beis; and ſhall add to the Cauſes in the ſaid Roll for ſubſequent weeks, in the ſame manner as is appointed for the Rolls of the Outer-houſe, and both in the Books and Rolls ſhall expreſs the day of up-taking the Proceſs, and the day of the great *aviſandum* or Ordinance of the Lords for hearing the Cauſe in their preſence, ſubjoyning thereto the Cauſes each day, both in the Books and Rolls of Cauſes to be diſcuſs'd, and the like for the Book and Roll of concluded Cauſes; according to the date of the concluſion of the Cauſe.

8. That the keeper of the ſaids Books of Enrollment for the Inner-houſe obſerve the premiſſes punctually, under the pain of deprivation, and being further cenſured by the Lords, as they ſhall ſee cauſe: And that his Succeſſors ſhall make faith to obſerve the premiſſes in all points; the preſent Keeper of theſe Books having already given his oath to that effect.

9. That the Lords both in the Inner-houſe and Outer-houſe ſhall proceed to the diſcuſſing of Proceſſes, in order as they ſtand in the ſaid Rolls *reſpective*, without paſſing over, or anticipating any Cauſe; and that each Proceſs ſhall be ſtill called in its order, untill it be brought to an Act, Proteſtation, or Decreet; and if it be delayed till ſomething be produced or done which requires not an Act extracted, that after the day to which it is delayed, the ſame ſhall be call'd till it be diſcuſs'd.

10. And where at the calling of any Cauſe in the Inner or Outer-houſe, the Purſuer inſiſts not, the Proceſs ſhall be delet out of the Roll, and Proteſtation ſhall be granted to the Defender, without any other ſolemnity, but the demanding thereof at the calling of the Cauſe, whereby the Defender ſhall not be oblidged to anſwer untill he be ſummoned of new, and the Proteſtation-money paid, that he be not oblieged to an uncertain attendance at the Purſuers pleaſure. And in caſe at the calling of any Proceſs in the Outer-houſe, any Parties Advocat be in the Inner-houſe, the Ordinary ſhall call the Cauſe the next day thereafter, if he be deſired upon a Ticket to be given to him before he go to the Bench; but that no Advocat make interruption by calling otherwayes over the Bar.

11. That the Lords by no importunity alter the order of the ſaids Rolls by any Deliverance or Warrand, except it be for

diſcuſſing reaſons of Reduction of ſmall difficulty and importance in the Outer-houſe, before they be Enrolled in the Inner-houſe, which ſhall be Enrolled in the Roll of the Outer-houſe, according as they ſhall be preſented to the Keeper of the Roll, in the ſame manner as other Proceſſes.

12. That if any Cauſe be called by anticipation, out of its due place, the Purſuers Advocat may refuſe to inſiſt, or the Defenders Advocat to anſwer, and it ſhall be a ſufficient defence that he is not oblieged to anſwer before its due courſe in the Roll: And although neither parties Advocat ſhould object, ſeing others who were anterior in the Roll are prejudged, the Clerks are prohibit to write on any ſuch Proceſs called out of its own courſe, or to extract any Act or Decreet thereupon.

13. That the Lords of Seſſion every Seſſion, go near the diſcuſſing of all Cauſes enrolled that Seſſion; and that as they ſee their work by the Books of Enrollment, they meet the ſooner in the morning, and alſo meet in the afternoon for taking in Reports from the Outer-houſe, which requires not the attendance of Advocats, and which conſumes much of the time both in the Inner and Outer-houſe in the forenoon; and alſo for adviſing of concluded Cauſes, which of all other ſhould be leaſt delayed.

14. That if any Act, Decreet or Proteſtation be ſtopped, either by the Ordinary or by the whole Lords, the ſame ſhall be called and heard upon the Bench in the Outer-houſe, by the Ordinar who formerly heard the Cauſe, either the next day, or upon Tueſday in the enſuing week, or any other morning thereafter, before the Ordinary in the Outer houſe come out; and that he proceed in the Proceſſes untill the ſame be diſcuſs'd, deſert, or Proteſtation granted in manner forſaid, and that the ſame ſhall not be again brought into the Roll.

15. That no Bill be preſented to the Lords for ſtopping or rectifying any Act or Decreet paſt in the Outer-houſe, untill the party firſt make application to the Ordinary who heard and pronounced the ſame; and if he refuſe to hear the Party upon any new matter condeſcended on, or in caſe of doubtfulneſſe, to report at leaſt upon conſignation of an Amaund: In that caſe, the Party may give in a Bill to the Lords, expreſſing his application to the Ordinar, and his refuſal to hear or report, as ſaid is, and expreſſing the ſpecial matter which he deſireth in the Proceſs, and no otherwayes.

16. To the effect, the Lords of Seſſion may be in better capacity to diſcuſs the Proceſſes which come before them, not being overburdened with ſmall and inconſiderable Cauſes, That all Cauſes, not exceeding the value of two hundred Marks *Scots*, be in the firſt inſtance carried on before the inferiour Judges;

And

And that no Summons be raiſed upon Bill, or otherwayes for Cauſes of leſs importance, for which the Clerk of the Bills and Writers to the Signet are to be anſwerable at their peril; except there be ſuch reaſons condeſcended on in the Bill, as would be ſufficient to procure an Advocation of the Cauſe from the inferior Judge, in behalf of a Defender, and competent Inſtructions thereof; And that ſuch Bills do not paſs of courſe, but be ſpecially preſented and read to the Ordinary, and that the deliverance on the back thereof bear, *Becauſe the Lords have found ſufficient ground, for which the Cauſe ought not in the firſt inſtance to be purſued before the inferiour Judge Ordinar, but before the Lords:* Excepting alſo, the Cauſes belonging to the Members of the Colledge of Juſtice, and except Sums due to Merchants, Cooks, Vintners and others in Burgh, for Furniture taken off from them, by ſuch as dwell not within the Shire where the Furniture was taken off.

17. That where Cauſes are begun befor inferior Courts, no Advocation thereof ſhall be paſt, being of no greater importance then as aforſaid, otherwayes then is provided by the Act of Parliament; And that the Clerk of the Bills be anſwerable therefore, not to preſent, paſs or write on any ſuch Bill at his peril.

18. That where Decreets are paſt before inferior Courts, and craved to be ſuſpended; if the reaſons proceed not on iniquity, but upon alledgeance, that the Decreet was in abſence, ſo that the craver of the Suſpenſion hath never appeared, or hath not continued to defend while there was no injuſtice done: Then and in that caſe, he ſhall be oblieged at the paſſing of the Bill of Suſpenſion, to conſign in the hands of the Clerk of the Bills, ſuch ſums for the expences of the Party, as the paſſer of the Bill ſhall appoint, according to the importance of the Cauſe and the diſtance of the Party, which ſhall be given up to the Charger, if the Suſpender hath not compeared, or continued to defend before the inferior Court, as ſaid is; and that immediatly at the calling of the Cauſe to be diſcuſs'd, when the compearance in the Decreet may appear, unleſs the Suſpender improve the Executions of the Summons whereupon the Decreet did proceed.

19. That Decreets, *in foro contradictorio*, before the Lords of Seſſion be not again ſuſpended, upon reaſons competent to have been proponed, or which were repelled in the former Decreet. And to the effect it may be known, with the leaſt expence, what Decreets are *in foro*, That the Keeper of the Minute-book make up a Book of the Decreets *in foro*, according as the ſame ſhall each day be given in to him by the Clerks, expreſſing the names of all the Defenders for whom

there is compearance; And that the Clerk of the Bills from time to time, call for and receive a double of the ſaid Minute-book of Decreets *in foro*; And when any Bill of Suſpenſion is to be preſented by him, that at his peril he write on no Suſpenſion of any Decreet *in foro*, contained in the ſaid Book, untill it be preſented to the whole Lords in time of Seſſion, and to three met together in time of Vacance, the deliverance bearing, that they were met together. And where there is once compearance for any Party and Defences proponed, the Decreet ſhall be holden as done *in foro*, and all the Diſpute proponed by the Advocats ſhall be inſert therein, albeit the Advocat thereafter paſt from his compearance; And that the firſt Proteſtation ſhall not be ſuſpended, but upon conſignation of thirty pounds, and the Suſpenſion thereof ſhall bear that it is the ſecond Suſpenſion, and ſo forth, all the Suſpenſions that ſhall be obtained thereafter, ſhall bear that the ſame is the third or fourth Suſpenſion, and that no Suſpenſion ſhall paſs of the ſecond Proteſtation, but in preſence of the whole Lords in time of Seſſion, and by three of the Lords meet together in time of Vacance, the deliverance bearing as aforeſaid; And that the Clerk of the Bills write upon no Bill of Suſpenſion otherwayes, as he will be anſwerable at his peril, and that the ſecond and poſterior Proteſtations ſhall be inſert in the ſaid Book, with the ſaids Decreets *in foro*.

20. That where Proceſſes are keeped up unreturned by the Defenders Advocat longer then ſix dayes after the out-giving thereof, which is the time allowed for ſeeing of Proceſſes, that upon complaint given into the Lords thereanent, the Ordinary upon the Bills call the Advocat who keeps up the Proceſs, and fine him in three pounds Scots for ilk day he hath kept the ſame, from the time that the Proceſs was required from the Advocat, or his principal ſervant, perſonally at the Advocats Chamber, by way of Inſtrument under a Notars hand, unto the day that the complaint was given in, and ſix pounds for every day that the Proceſs ſhall be detained by him, after in-giving of the complaint: And that one of the Macers be ordered to exact the fine, under the pain of deprivation; And to that effect, that he be warranted to exclude the Advocat out of the Houſe, and not to ſuffer him to enter the Outer-bar, untill he make payment, and that he return the money ſo exacted, to the Ordinary upon the Bills, whereof the one half is to be put in the poors Box, and the other half to be payed to the party Purſuer, if he deſire the ſame, otherwiſe that the whole be put in the Box.

21. But when there are moe Defenders then on called in a Proceſs, and ſeveral Advocats compearing for them, that the Advocat

Advocat who taketh up the Proceſs to ſee for the party principally concerned, in whoſe houſe the ſame is appointed to be ſeen, ſhall be allowed only four dayes for ſeeing the Proceſs; and in caſe he do not return the ſame within that time, that he incur the penalties contained in the former Article: And that after the Proceſs ſhall be returned, the ſame ſhall remain in the Clerks hands ſix dayes before it be called, during which time, any Advocat compearing for any other of the Defenders, may ſee the Proceſs in the Clerks hands, and write thereupon for whom he compears, and ſubſcribe the ſame, and may alſo borrow the ſame up from the Clerk, for the ſpace of twenty four hours, upon his receipt and conſignation of an Amaund, according to the importance of the Cauſe; and in caſe he do not reproduce the Proceſs within the ſaid ſpace of twenty four hours, upon complaint made thereof, he is to loſe the Amaund, and pay ſix pounds for ilk day he keeps the Proceſs after the ſaid ſpace of twenty four hours, and the like execution to be uſed therefore, as in the former caſe of the Defenders Advocats not returning Proceſſes, given out to them by the Purſuers Advocats. And likewayes, if any Advocat during the ſaid ſpace of ſix dayes, be deſirous to ſee the Proceſs for any other party having intereſt, who was not called in the Proceſs, that upon production of the parties intereſt in the Clerks hands, he be allowed to ſee in manner foreſaid, he alwayes conſigning and ſubſcribing for whom he compears: And in caſe of failzie to reproduce, being lyable as ſaid is, and that the Advocat ſhall not be heard when the Cauſe is called, if he hath neglected to ſee in manner foreſaid, whether he be compearing for any party called in the Proceſs, or compearing for his intereſt.

22. In reſpect it is a great obſtruction to the diſpatch of Proceſſes, that when Cauſes are called, Defences ſometimes are proponed upon Writs, which being neither produced nor ſeen by the Purſuers Advocats, all that is ordinarily done, is to ordain the Writs to be produced; therefore, where ever the Defenders Advocat is to found any Defence upon Writs, that at the returning of the Proceſs, he alſo produce therewith the Writs whereupon he intends to found any alledgeance, and give in the Defence which he founds upon theſe Writs, and mark the particular clauſes of the Writ whereupon he founds, otherwiſe no reſpect is to be had to the alledgeance to be founded on theſe Writs, which were in any of the Defenders Advocats hands, or which, or any copy thereof were ſeen by the ſaids Advocats, which the purſuers Advocats ſhall be oblieged to return within four dayes after they receive the ſame; otherwiſe, complaint may be made againſt them, as againſt Defenders Advocats for keeping up of Proceſſes. And in caſe any other Writs come to their hands, after the returning of the Proceſs upon which they will found,

that in like manner they produce the ſame to the Purſuers Advocats, before calling of the Cauſe, under the ſame certification.

23. That the Suſpender at the out-giving of the Suſpenſion, produce therewith all his Verifications, and that at the calling of the Cauſe, if he have keeped up the Verifications, and offer them to produce the ſame, that the Ordinary ſhall give Decreet, becauſe the reaſons are not verified conditionally; That if with the Verifications, the Suſpender produce in the Clerks hands twelve pounds *Scots*, two parts thereof to be payed to the Charger, and the third part to the Poor, the ſame ſhall be received, and the parties heard thereupon, without enrolling of new; and therefore the Ordinary ſhall mark upon the Cauſe, *Decreet conditional*, to ſuch a day; and if betwixt and the ſaid day, obedience be not given, the Decreet is to be extracted.

24. That the Suſpenders Advocat be not allowed to propone any new Reaſons of Suſpenſion at the Bar, which was neither lybelled nor contained in the eiked Reaſons of Suſpenſion given out to, and ſeen by, the Chargers Advocats, unleſſe therewith they conſign in manner foreſaid.

25. That becauſe Proceſſes are very much lengthened, by the long running of ordinary and incident diligence and terms for production in Reductions and Improbations; for remeid whereof in time coming, there ſhall only be two Diligences againſt Witneſſes, one by Horning, and another by Caption; and there ſhall be no incident Diligence ſuſtained upon Acts, but where the ſame is crayed and allowed at the pronouncing of the Act, and expreſſed therein, which ſhall proceed againſt the alledged havers of the Writs, firſt by Horning, charging them to compear and produce upon oath, and next by Caption, in caſe they do not compear and depone; and that there be only one term for production in ſingle Reductions, and two in Improbations: And that the Clerks inſert no Reſervations in Acts for production, but that all exceptions competent before production, be diſcuſſed before aſſigning of terms.

26. That no more Advocats be imployed or marked in any Cauſe for a Party, but only three in the Inner-houſe, and three in the Outer-houſe at moſt; and that only two be allowed in the Inner-houſe, to ſpeak one after another upon one ſide, before the other Party make an anſwer; And that the Lord Chancellor or Preſident keep the Advocats cloſs to the point, and that no Advocat be allowed to ſpeak above half an hour together at moſt, at one time.

27. That the Allowance of Advocats in time-coming, be regulate according to the quality of the perſons who employes them, in manner following, *viz.* that for every Conſultation, Pleading thereupon, and drawing Bills upon any Interloquitor thereanent

thereanent altogether, there be given at moſt to any Advocat, by Noble-men eighteen pounds, by Knights and Barrons fifteen pounds, by Gentle-men and chief Burgeſſes twelve pounds, and by all the reſt of the people nine pounds: And that nothing be allowed for drawing Informations to be given to the Lords after Diſpute, but to one Advocat only, and that the Allowance therefore be only the half of what is allowed for the Conſultation.

28. That the parties Purſuer and Defender do give in with the Proceſs, a Declaration under their hands, bearing, That as they ſhall anſwer to God, they have not given, nor ſhall give any more to any one Advocat employed by them in that Proceſs, for every Conſultation comprehending as aforeſaid, then the foreſaid Allowance; which Declaration is to be given in by the Defender at the return of the Proceſs, and by the Purſuer before the Proceſs be called. And in caſe of the Clients Minority, his Tutors or Curators, and in caſe of his abſence, or that he hath employed another to diſburſe the money for him, the perſon ſo employed ſhall give in the foreſaid Declaration upon oath, which ſhall bear, That he being the only perſon employed to diſburſe money to Advocats in that Proceſs, he hath not given, nor ſhall give any more then as aforeſaid. And in regard theſe who are already admitted Advocats have given their oaths, that they ſhall alwayes obſerve the ſaids Rates, that no Advocat be admitted hereafter till they give that oath.

29. And becauſe by the Act of Parliament, one thouſand ſix hundred and twenty one, the rates of Writs are ordered conform to an Act of the Lords of Privy Council and Lords of Seſſion, in *anno*, one thouſand ſix hundred and ſix, the effect whereof hath been fruſtrate, becauſe nothing thereby is provided to Clerks Servants: And in reſpect the rates of all things are much encreaſed ſince that time; Therefore, that the rates of the Clerks of Seſſion be as followeth, *viz.* For Acts, Decreets, Proteſtations and Diligences, there ſhall be only payed to the Clerk and his Servants, three pounds *Scots* for each ſheet, written in the ſame manner as they are now accuſtomed, conform to a Pattern ſigned by this Commiſſion, and kept by the Lords of Seſſion, excepting Decreets of Tranſump, Tranſferring, and of Regiſtration by way of Action, and Commiſſions wherein there is no diſpute, for which there ſhall be payed three pounds Scots only for the firſt ſheet, and twenty ſhillings Scots for ilk one of the reſt of the ſheets. And as to other Writs paſſing that Office, the ſame rates be obſerved which are contained in the ſaid Act of Parliament; And that the Clerks or their Servants take no money for production of Writs, or giving up of the ſame again, minuting of Diſputes, or booking of Acts and Decreets, all which ſhall be payed by the ſaids Extracts, but that there be allowed

to them two merks for taking a Parties oath, and one merk for every Witneſſes depoſition, and thirty ſhillings Scots for calling of every Act in preſence of the Ordinary. And that the Clerks or their Servants do not mark upon any Proceſs, Calling or Compearance, or the calling of any Act, but what was publickly done by a Macer, that the Advocats may have timeous notice to ſatisfie the concluſion of Acts. And that no Decreets be pronounced conditionally, but ſimply, according to the Act to be extracted twenty four hours after the ſame is read in the Minute-book; and that every *Sederunt* day, the Minute-book be read out fully, that the Lieges be not delayed or neceſſitate to attend. And that the Clients ſhall in the ſame manner, as in relation to Advocats allowance, give their oaths that they have keeped, and ſhall keep the ſaids Rates, which ſhall be contained in a Paper, with their Declaration in relation to Advocats. And ſeing the preſent Clerks and their Servants have given their oaths, that they ſhall alwayes obſerve the ſaids Rules and Rates, that no Clerk be admitted hereafter, till he give that oath; excepting Acts and Decreets of contentions diſpute in preſence of the Lords, which are to be at the diſcretion of the Party, conform to the Act of Parliament. And in regard diverſe Proceſſes after diſpute, and Interloquitors pronounced therein, either in *preſentia*, or in the Outer-houſe, are tranſacted and ſettled by the Parties, ſo that the Proceſſes come not the length of a Decreet, or if Decreet be pronounced, the ſame is not extracted: And it being juſt and reaſonable, that the Clerks ſhould have allowance for the pains taken by them in theſe Proceſſes; therefore, that the Clerks in theſe caſes be allowed to take from their Clients, ſatisfaction as if Decreets were extracted, according to the ſheets of the Act of *Litiſ-conteſtation*, or other Act in the Proceſs; or if there be no Act, according to the ſheets of the Summons, Suſpenſion or Advocation; and if the Cauſe was diſpute in the Inner-houſe, according to the ſheets the Minutes of the Proceſſes would amount to, if the ſame were extended into an Act or Decreet.

30. And anent the Clerks of the Bills and his Servants, that the Rates in the ſaid Act of Parliament, one thouſand ſix hundred and twenty one, be in all points obſerved, with this alteration, That whereas that which is allowed by the ſaid Act for the Acts of Caution, with the relief which comprehends the Bills of Suſpenſion, is too low for the Clerks and his Servants, That there be allowed to the ſaid Clerk and his Servants therefore, three pounds and a merk *Scots* and no more; And ſeing the preſent Clerk of the Bills and his Servants, have made faith that they ſhall obſerve the ſaids Rates, that any Clerk of the Bills who ſhall be admitted hereafter, ſhall at his admiſſion give that oath,

oath, and likewiſe his Servants: And in caſe there be moe perſons contained in the ſaids Bills of Suſpenſion then one, that every ſuch perſon, except the chief perſon, ſhall pay ſix ſhillings eight pennies, untill they come the length of ten perſons, and no allowance is to be granted for any exceeding that number, nor for a Community more then the ſaid number of ten: And for Relaxations, ſix ſhillings eight pennies for every perſon more then one, untill they come to the number of ten perſons, and no more to be taken for any greater number or Community, which dues ſhall be payed at the firſt in-giving of the Bill of Suſpenſion, and ſhall be retained by the Clerk, whether the Bill be paſt or not, and no more to be given for that Bill, or for any new Bill which ſhall be given in, in that matter. And as for the allowance of Compriſings, that the rate thereof be fourty ſhillings Scots, where the ſums contained in the Compriſings (by and attour the Sheriff-fee) do not exceed two thouſand pounds Scots; And if the ſums compriſed for be above two thouſand pounds, that there be payed four pounds Scots; and that this be in ſatisfaction of all that is to be given in that Office, both for Maſter and Servants.

31. In reſpect ſeveral perſons, being neither Advocats, nor Advocats Servants, do take upon them, under the name of Agents, to medle and negotiate in Proceſſes, who are found to be of no uſe, but burdenſome to the Lieges; That hereafter all the Agents be debarred the Houſe, and not permitted to negotiate in, or mannage Proceſſes; and recommends to the Lords of Seſſion to ſee the ſame punctually obſerved.

32. That the Keepers of the general Regiſters of Hornings and Inhibitions, and of Seaſings and Reverſions; As alſo, the Keepers of theſe Regiſters in the ſeveral Shires, in time coming, be carefull to book all Hornings, Inhibitions, Interdictions, Seaſings, Reverſions, and others regiſtrat by them; And that they make exact Minute-Books relating to theſe Regiſters, theſe of Hornings, Inhibitions, and Interdictions, containing the Names, Sirnames and Deſignations of the Parties, Principal and Cautioners; And theſe of Seaſings, Reverſions and others appointed by the Act of Parliament to be regiſtrat in that Regiſter, containing the Names and Deſignations of the parties, and the common Deſignation of the Lordſhip, Barrony or Tennendry of the ſeveral Lands mentioned in the Writ: And that the Clerk of Regiſter, or any whom he ſhall appoint, every quarter of the year, compare the Minute-books with the general Regiſters, and ſubſcribe the Minute-books at the collationing of the ſame; And in the ſeveral Shires, that the Sheriff, Bailiff of the Regality or Royality, or their Deputes (with whom, any two of the Juſtices of Peace to be nominat by the whole Meeting, are allowed to be preſent) be appointed quarterly, *viz.* upon the

first Tuesdayes of *February*, *May*, *August* and *November*, to call for, and take inspection of, the saids Registers, and of the Minute-books relating thereto; and after collationing of the same, that they with the saids two Justices of Peace, if they be present, subscribe the Minute-book: Certifying the saids Sheriffs and Bailiffs, if they do not meet and compare the saids Registers at the several times above-specified, They shall be lyable in the penalty of One Hundred pounds Scots, for ilk failzie; and Certifying the Clerks, if they shall not have the Books in readinesse at the foresaids times, or if any Hornings, Inhibitions, Seasings, Reversions, and others foresaids then in their hands, shall not be registrat in the Books, they shall incurr the pain of deprivation, and be lyable in payment of the parties damnage: And that the Clerks, keepers of the saids Registers, book all Hornings, Inhibitions, Interdictions, Seasings, Reversions, and others which now are in their hands, for the space of fourty years by-gone, and have exact Minute-books relating thereto, in manner foresaid, within the space following, *viz*, the Keepers of the general Registers betwixt and the first of *June*, 1674. and the Keepers of the particular Registers in the several Shires, betwixt and the first of *June*, 1673. And that all Hornings and Inhibitions, registrat in the Shires, be marked by the Keepers thereof, conform to the 21. Act of the Parliament, 1600. under the pains aforesaid; And that in the *interim*, betwixt the collationing of the Books, the Clerks shall be oblieged to keep a privat Minute book for their own use, wherein they are to insert a Note of all Hornings, Inhibitions, Interdictions, Seasings and Reversions, as they are given into be registrat: And in case any be omitted out of that Minute-book, they shall incurr the pain of deprivation, and be lyable to pay the parties damnage. Whilk Minute-books *respective* foresaids, as well for the space of fourty years by-gone, as in time coming, the Clerk shall be oblieged to make patent to all His Majesties Leidges, whensoever they shall desire to see the same, upon payment of the dues following, *viz*. Thirty shillings Scots for inspection of the minute book of the general Register of Seasings and Reversions, and twenty shillings Scots for that of the general Register of Inhibitions; and for that of the general Register of Hornings, twelve shillings Scots; And for inspection of the Minute-book of the particular Register of Seasings and Reversions in the several Shires, twelve shillings Scots. And for that of Hornings and Inhibitions, six shillings and eight pennies Scots money. And it is hereby Declared, that the care of seeing the premisses done and performed, after the expiring of this Commission, is committed to the Lords of Session.

33. As for Writers to the Signet, it is Ordained, that the rates of all Writs to be formed and written by them, be as followeth

followeth, *viz.* For Bonds, Aſſignations, Tranſlations, Diſcharges, Tacks and other Writs of that nature, and likewayes for Summons and all Letters that paſs the Signet, there be allowed only eighteen ſhillings Scots for the firſt ſheet, and twelve ſhilling Scots for ilk an of the reſt of the ſheets: Excepting Suſpenſions and Advocations, for the firſt ſheet whereof they ſhall have fourty ſhillings Scots, and two Merks Scots for ilk ſheet more: And where Summons are blank in any part thereof, that the ſame be only payed for, according to the ſheets which are written and filled up. And as for Contracts, Diſpoſitions, and other ſecurities of Lands, Annualrents or other heretable Rights, Chartors, Signatures, Precepts in Latine, and other Writs of that nature, and likewiſe for Compriſings and Services, there ſhall be only payed three pounds Scots for the firſt ſheet thereof, and thirty ſhillings Scots for each of the reſt of the ſheets, the ſame being alwayes written, conform to a Patern to be ſigned by the Lords of Seſſion; And that no diſtinct payment be taken by the Writers, or their Servants, for Bills whereupon Summons or Letters are raiſed, or for claimes whereupon Services or Compriſings do proceed, or for Scrolls of any of the ſaids Writs; Which rates or prices aforeſaid ſhall be in ſatisfaction of all that is to be given, both to Maſter and Servants: And where Bonds, Aſſignations, Tranſlations, Diſcharges, Contracts, Diſpoſitions, and other Securities aforeſaid, are drawn or written by any perſons who uſe to write for payment, not being Writers to the Signet, that there be payed to them only two parts of the rates allowed to Writers to the Signet, in manner forſaid; And that all Writers to the Signet, and others reſiding within the Town of *Edinburgh* who uſe to write for payment, ſhall compear before the Lords of Seſſion betwixt and the firſt of *December* next, and give their oaths that they ſhall obſerve the ſaids rates; and that theſe who reſide in any other place of the Kingdom, ſhall betwixt and the ſaid day, take the foreſaid oath, in preſence of the Sheriff of the Shire or his Depute, or other ordinar Magiſtrat of the place; or in caſe they dwell within a Burgh Royal, before the Magiſtrats of the Burgh; and the Writers to the Signet and other perſons aforeſaid, are hereby diſcharged to form or write Writs of any kind, after the ſaid firſt of *December* next, unleſs they take the ſaid oath, under the pain of deprivation, and ſuch other puniſhment as the Lords of Seſſion, or the ordinary Magiſtrats of the place *reſpectivè* ſhall think fit to inflict. And it is hereby Declared, that it ſhall not be lawfull to any perſon, to be Clerks to the deducing of Compriſings which are led by Diſpenſation within the Town of *Edinburgh*, or to Services led before the Macers, except they be Writers to the Signet.

Concerning the JUSTICE-COURT.

SEeing Causes Criminal are of the greatest importance, and may extend to the Lives and Liberties of any of his *Majesties* Subjects, and their Persons and Fortunes: And seing the punishment of Crimes is of the greatest consequence for the safety and security of His *Majesties* Person and Authority, and the Peace and Quietnesse of the Kingdom; And therefore, matters Criminal ought to be determined in the most solemn, exact and regular way, that the Loyal and Innocent may be in full security, and Offenders may be punished either in the most publick places of the Kingdom, or in the places where the Crimes have been committed, to terrifie others from the like: That whereas formerly assessors from time to time were appointed to the Justice General, in matters of importance, which being ambulatory, cannot be so convenient, as if all the Members of that Court were settled and chosen by His *Majesty* of fit persons, who might make it their work to make a just and constant procedure in Matters Criminal.

1. For that effect, that the Office of Deputes in the Justice-Court be suppress'd, and that five of the Lords of Session be joyned to the Justice-General and Justice-Clerk, and all of them invested with the same and equal Power and Jurisdiction in all Criminal Causes; That the Justice-General being present presside, and in his absence the Justice-Clerk, and in absence of both, that these present elect one of their number to presside, four of the whole number being alwayes the *Quorum* of that Court, except at the Circuit-Courts.

2. That they be appointed to meet each Monday at nine of the clock in time of Session, and oftner if businesse so require.

3. That the persons to pass upon Assizes be listed, and their Names and Designations insert in an Roll to be signed by the said Judges or their *Quorum*.

4. That for the splendour of that Court, all the Judges sit in red Robes faced with white, that of the Justice-Generals being lined with Ermine, for distinction from the rest.

5. That once a year, in the Monerh of *April* or *May*, Circuit-Courts be keeped, two of their number appointed to go and keep Courts at *Dumfries* and *Jedburgh*, two at *Stirling*, *Glasgow* and

and *Air*, and other two at the Towns of *Perth*, *Aberdeen* and *Innerneſſe*; the Juſtice-General being alwayes ſuper-numerary in any of theſe Circuit-Courts.

6. That it be left and recommended to the Judges of that Court, to regulat the inferior Officers thereof, and order every other thing concerning the ſaid Court.

7. That a convenient Room be appointed for their meetings, Benches for the Judges, a place for the Juſtice-General, more eminent then the Seats of the other Judges; That the Advocats, Clerk, Aſſize and Pannels have diſtinct places appointed to them.

8. That the Clerk of the Court, nor no other perſon, be preſent with the Aſſize after they are incloſed.

9. That the Chancellor of the Aſſize mark what way every individual perſon who is upon the Aſſize ſhall vote, whether condemning or abſoilzeing, and that on the ſame Paper wherein the Verdict of Aſſize is written; which after the pronuncing of the Verdict, is to be cloſed and ſealed with the Seals of the Court, of the Chancellour of the Aſſize, and of ſo many moe of that number, as the Chancellor ſhall think fit, and never to be opened again, but by order of the Judges: With certification, if the Clerk who ſhall have the keeping of the ſaid Verdict, do make open the ſame without warrand, he ſhall be deprived of his Office, and otherwayes puniſhed as the Judges ſhall think fit.

10. That in all Criminal Purſutes, the Defender or his Advocats be always the laſt ſpeaker, except in caſes of Treaſon and Rebellion againſt the King.

11. That when any Criminal Libel or Summons of Exculpation are given and execute againſt any Party, that at the ſame time, Liſts of the Witneſſes to be adduced for proving of the ſaid Libel and Summons, and of the perſons who are to paſs upon the Inqueſt, be alſo given to them; to the effect, the Party may know what to object againſt the ſaids Witneſſes and Aſſizers, and may take forth Diligences for ſummoning of Witneſſes for proving of their objections, why any contained in the ſaids Liſts ſhould not be admitted to be a Witneſſe, or upon the Aſſize.

Concerning the Exchequer.

THat there be payed to the Keepers of the Theſaurer Regiſter and his Servants, for regiſtration of Signatures fourty ſhillings Scots for the firſt ſheet, and twenty ſhillings Scots for each other ſheet of the Signature given in; And that neither he nor his Servants take or exact more, upon any account, or for moe ſheets then the Signature conſiſteth of, and that they give their oaths to that effect.

2. That there be payed to the preſenter of Signatures, for each Signature containing an Barrony, or Lands above that value, and which is to paſs the Great Seal, ſix pounds Scots; And if it be of Lands under a Barrony, three pounds: And for all Signatures which are to paſs the Privy Seal, only half a Crown. And that he make Faith to obſerve theſe Rates.

3. That no *Æques* be made in the Exchequer, by the Vaſſals of His Majeſties Property, for any Blenſh or Few-duties which are under the ſum of ten pounds Scots; But as to theſe, that Liſts of the Vaſſals and of the Blenſh and Few-duties payable by them, be ſubſcribed by the Commiſſioners of His Majeſties Theſaurary, and ſent to the Sheriffs of the ſeveral Shires, who, or their Deputes, ſhall charge the Vaſſals for payment of theſe Duties, and ſhall be countable for them to the Exchequer; And that upon payment by the Vaſſals of their ſaids Few and Blenſh-duties, the Sheriffs or their Deputes ſhall be oblieged to grant to them Diſcharges thereof, without any money or gratification to be given therefore, either to the Sheriff or his ſervants, except a Merk Scots only.

4. That the preſent way of making the counts of Exchequer in Rolls, be altered, and that the ſame be made hereafter in Books of Parchment; That *Æques* be made yearly; And that for all the Lands contained in one Chartor, belonging to one Heretor, there be made but one *Æque*.

AND furder, His Majeſty Recommends to the Commiſſioners aforeſaid, that what by the ſhortneſſe of time is not yet determined, as to the Commiſſary-courts, Sheriff-courts, Town-courts, and all other Courts and Judicatories of the Kingdom, may be done with all conveniency, conform to His Majeſties Commiſſion granted to them; and that they return their judgements thereof to His Majeſty, that He may give ſuch order therein, as He ſhall think fit.

ACT

XVII.

ACT against keepers of Conventicles, and with-drawers from Publick Worship.

Edinburgh, 4. of September, 1672.

Forasmuch as the Act past by His Majesty and Estates of Parliament, upon the 13. of *August*, 1670. against Conventicles, and the other Act past in the same Parliament upon the 20. day of the said moneth of *August*, 1670. aginst separation and with-drawing from the publick Meetings of Divine Worship, were appointed to endure only for the space of three years, unless His Majesty should think fit to continue them longer. And His Majesty considering, that these Acts have not hitherto received that obedience which was due unto them, and that the execution thereof hath not been so duly prosecute, as by the tennor of the same is prescribed, and that therefore, the continuance thereof will be necessary for some longer time; Doth, with advice and consent of His Estates of Parliament, Statute and Ordain, that the two Acts of Parliament above-mentioned, against Conventicles and withdrawing from publick Meetings of Divine Worship, are and shall endure and continue Acts of Parliament and publick Laws of the Kingdom, for the space of three years, after the expiring of these three years above-mentioned, and longer as His Majesty shall be pleased to appoint. Likeas, His Majesty considering, that by the said Act against Conventicles, it is Statute, that no outted Minister, not licensed by His Majesties Council, nor other person not authorized nor tollerat by the Bishop of the Diocess, presume to preach, expound Scripture, or pray in any Meeting, except in their own houses, and to these of their own Family; And since there may be some questions and doubts, concerning the meaning and extent of that word *Pray*, His Majesty doth, with advice forsaid, Declare, That it is not to be understood, as if thereby Prayer in Families were

diſcharged, by the perſons of the Family, and ſuch as ſhall be preſent, not exceeding the number of four perſons, beſides theſe of the Family: It is alwayes Declared, that this Act doth not give allowance to any outted Miniſter to pray in any Families, except in the Paroches where they be allowed to preach. And furder, His Majeſty with advice forſaid, doth hereby alſo Authorize the Magiſtrats of the Royal-burroughs, to call before them all ſuch of their Burgeſſes, as ſhall be guilty of keeping Conventicles, and to proceed againſt them by fining and otherwayes, as is at length expreſt in the ſaid Act; and that they make account and report of the Fines to the Commiſſioners of His Majeſties Theſaurary, and of their diligence to His Majeſties Council. And His Majeſty conſidering the ſlow progreſs hath been made, in puting theſe Acts in execution for the time bygone, Doth therefore, with advice foreſaid, Statute and Command, that all Sheriffs, Stewarts, Lords of Regalities and their Deputes, and Magiſtrats of Burroughs within their reſpective Juriſdictions, ſhall from henceforth be careſull in puting theſe Acts to due execution, againſt keepers of Conventicles, and with-drawers from publick Worſhip, conform to the power and truſt committed to them thereby: And that they return an account of their proceeding to His Majeſties Council yearly, on the firſt Thurſday of *July*, under the pain of five hundred Merks, to be payed by each Sheriff, Stewart, Bailiff and Magiſtrats of Burgh, for each years failzie, in not giving an account of their diligence as ſaid is.

ACT

XVIII.

ACT for eſtabliſhing Correction-houſes for Idle Beggars and Vagabonds.

Edinburgh, 4. of September, 1672.

THE Kings Majeſty, conſidering the many good Laws and Statutes made by himſelf and His Royal Predeceſſors, for ſuppreſſing of Vagabonds, Beggars, and Idle perſons, who are a great burden and reproach to the Kingdom, and for the moſt part, live without all Law or Rule, Sacred or Civil; And that a numerous brood of ſuch perſons are dayly increaſing, who if they were ſet to work, and bred to Trades and Callings, the people might not only be disburdened of them, but they might, in a ſhort time, and upon far leſs expenſe, become uſefull and profitable for the whole Kingdom. And withall conſidering, that the effect of all theſe good Laws hath been fruſtrate, becauſe there hath been no place provided wherein ſuch poor people might be ſet to work, nor perſons appointed to have the charge and overſight of them: For remeid whereof, His Majeſty, with advice and conſent of His Eſtates of Parliament, Statutes and Ordains, that the Magiſtrats of the Burghs following, betwixt and the term of Whitſunday next, 1673. provide Correction-houſes for receiving and entertaining of the Beggars, Vagabonds and Idle perſons within their Burghs, and ſuch as ſhall be ſent to them out of the Shires and Bounds after-ſpecified; and that they appoint Maſters and Overſeers of the ſame, who may ſet theſe poor perſons to work; *viz.* one Correction-houſe at the Burgh of *Edinburgh*, for theſe of the Town and Shire of *Edinburgh*; one at the Burgh of *Haddingtoun*, for thoſe of the Shire of *Haddingtoun*; one at *Dunſe* for the Shire of *Berwick*; one at *Jedburgh*, for the Shire of *Roxburgh*; one at the Burgh of *Selkirk*, for the Shire of *Selkirk*; one at the Burgh of *Peebles*, for the Shire of *Peebles*; one at *Glaſgow*, for the Shire of *Lanerk*; one at the Burgh of *Dumfreis*, for the Shire of *Dumfreis*; one

at the Burgh of *Wigtoun*, for the Shire of *Wigtoun*; one at the Burgh of *Kirkcudbright*, for the Stewartry of *Kirkcudbright*; one at the Burgh of *Air*, for the Shire of *Air*; one at the Burgh of *Dumbartoun*, for the Shire of *Dumbartoun*; one at the Burgh of *Rotheſay*, for the Shire of *Bute*; one at *Paiſlay*, for the Shire of *Renfrew*; one at *Stirling*, for the Shires of *Stirling* and *Clackmannan*; one at *Linlithgow*, for the Shire of *Linlithgow*; one at *Culroſs*, for theſe twelve Paroches in the Shire of *Perth* belonging to the Presbytery of *Dumblane*; one at the Burgh of *Perth*, for the reſt of the Shire of *Perth*; one at *Montroſe*, for the Shire of *Kincairden*; one at the Burgh of *Aberdeen*, for the Shire thereof; one at *Innerneſſe*, for the Shires of *Innerneſſe*, *Roſs*, and *Cromarty*; one at the Burgh of *Elgin*, for the Shires of *Elgin* and *Nairn*; one at *Inverary*, for the Shire of *Argyl*; four in the Shire of *Fife*, *viz.* one at *St. Andrews*, one at *Coupar*, one at *Kirkaldy*, and one at *Dumfermling*, for the four ordinary Diviſions of that Shire; one at *Dundee* for the Shire of *Forfar*; one at the Burgh of *Bamff*, for the Shire of *Bamff*; one at the Burgh of *Dornoch*, for the Shire of *Sutherland*; one at *Week*, for the Shire of *Caithneſſe*; and one at the Burgh of *Kirkwall*, for the Shire of *Orkney* and *Zetland*; each of which Houſes ſhall have a large Cloſs, ſufficiently incloſed for keeping in the ſaid poor people, that they be not neceſſitat to be alwayes within doors, to the hurt or hazard of their health. And in caſe the Magiſtrats of the ſaid Burghs, or any of them ſhall not provide and have in readineſſe, the ſaids Correction-houſes betwixt and the ſaid term of Whitſunday next, they ſhall incur the pain and penalty of five hundred Merks Scots money, and that quarterly, untill the Correction-houſes be provided: Which penalties ſhall be payed to the Commiſſioners of Exciſe, in the reſpective Shires or Bounds from which the ſaids poor perſons ſhall be ſent, to the ſaids Correction-houſes: And the ſaids Commiſſioners are hereby warranted to raiſe Letters of Horning, and uſe other execution at their inſtance, againſt the Magiſtrats of the ſaids Burghs, for payment of the penalties that ſhall be incurred by them, in manner foreſaid; which penalties ſhall be applyed by the ſaids Commiſſioners, for building or buying of houſes to the effect foreſaid: And in the mean time, untill the ſaids houſes be provided, the Magiſtrats of the ſaid Burghs are required to diſpoſe of theſe Beggars and poor People, who were either born within their reſpective Burghs, or have haunted therein the laſt three years, in ſome convenient places, ſo as they may not go begging on the Streets, or at houſes within the Town. And for the better enabling of the ſaids Burghs, to bear the charges and expenſes of the ſaids Correction-houſes, His Majeſty, with conſent of the ſaids Eſtates of Parliament, Statutes and Ordains, that

that the Contributions and Allowances for maintaining of the Poor, appointed by the fifteenth Act of the third Seſſion of His Majeſties firſt Parliament, Intituled, *Act concerning Beggars and Vagabonds*, be applyed for the uſe of the ſaids Correction-houſes, whereby they ſhall have two ſhillings Scots for ilk poor perſon *per diem* that ſhall be ſent to them, and entertained and bred by them, for the firſt year; and twelve pennies Scots *per diem*, for the ſpace of three years thereafter, during which they ſhall entertain and educat them, together with the profit ariſing from the labour and work of the ſaids poor perſons, for ſeven years thereafter: Which Contributions are to be payed by the Paroches relieved of the ſaid Poor, in manner contained in the ſaid Act And to the effect it may be known, what poor perſons are to be ſent to the ſaid Correction-houſes, and who are to be keeped and entertained by the Contributions at the Paroch-kirks for the Poor, the Miniſters of ilk Paroch, with ſome of the Elders, and in caſe of vacancy of the Kirks, three or moe of the Elders are hereby ordered to take up an exact Liſt of all the poor perſons within their Paroches, by Name and Sir-name, condeſcending upon their age and condition, if they be able or unable to work, by reaſon of age, infirmity or diſeaſe, and where they were born, and in what Paroches they have moſt haunted during the laſt three years, preceeding the uptaking of theſe Liſts, intimation being alwayes made to the whole Heretors of the Paroch to be preſent, and to ſee the Liſts right taken up; and that the Heretors who, and the poſſeſſors of their Land, are to bear the burden of the maintainance of the poor perſons of each Paroch, or any of them who ſhall meet with the ſaids Miniſters and Elders, ſhall condeſcend upon ſuch as through age and infirmity, are not able to work, and appoint them places wherein to abide, that they may be ſupplied by the Contributions at the Paroch-kirk: And if the ſame be not ſufficient to entertain them, that they give them a Badge or Ticket to ask almes at the dwelling-houſes of the inhabitants of their own Paroch only, without the bounds whereof, they are not to beg; and that they do not at all reſort to Kirks, Mercats, or any other places where there are meetings at Marriages, Baptiſmes, Burials, or upon any other publick occaſion: And likewiſe, that ſuch of the ſaids poor perſons as are of age and capacity to work, be firſt offered to the Heretors or Inhabitants of each Paroch; that if they will accept any of them to become their Apprentices or Servants; they may receive them upon their obliegment to entertain and ſet to work the ſaids poor perſons; and to relieve the Paroch of them; For which cauſe, they ſhall have the benefit of their work untill they attain the age of thirty years; conform to the tenth Act of the twenty two Parliament

of King *James* the ſixth, and that the reſt of the ſaids poor perſons be ſent to the Correction-houſes, for whoſe entertainment, the ſaids Heretors ſhall cauſe collect the ſaids Contributions, and appoint a quarters allowance to be ſent allong with them, with Cloathes upon them to cover their nakedneſſe, and the ſaid allowance to be payed quarterly thereafter, by way of advance. With power alſo to the ſaids Commiſſioners of Exciſe in each Shire, quarterly to take an account of the diligence of theſe of each Paroch in performing of the premiſſes: And in caſe of their neglect, to appoint other perſons to make the ſaids Liſts, and Collectors to uplift the ſaids Allowances, and to bring them to Correction-houſes. And the Sheriffs their Officers, and Mayers and Conſtables are hereby required to concurr and be aſſiſting to the carrying and delivering of the ſaids poor perſons to the Correction-houſes. And in caſe any Heretors ſhall find within their bounds, any other Vagabonds, Beggars or idle Perſons, not being in ſervice, nor having any viſible way or ſtock to entertain themſelves, who were not born, nor did haunt formerly within their bounds; they are hereby impowered to ſeize upon ſuch perſons, and to ſend them to the Correction-houſes, and to charge the Magiſtrats or Maſters of the ſaids houſes to receive them, without advance of any allowance: With power notwithſtanding to the ſaids Magiſtrats or Maſters, to charge the Heretors of the Paroches where theſe idle Perſons were born, or have moſt haunted the laſt three years, for the allowance of ſuch of them as are not bred to work; And as to ſuch of them as can work, the Maſters ſhall have the benefit of their work for their meat. And His Majeſty, with advice forſaid, doth impower and require the Maſters of the Correction-houſes to put and hold the ſaids poor people to work, as they ſhall ſee them moſt capable and fit; And in caſe of their diſobedience, to uſe all manner of ſeverity and correction, by wheeping or otherwayes, (excepting torture) and to detain them within the ſaid Correction-houſe and Cloſs thereof, with this Proviſion, that in caſe any of the ſaids poor perſons being received, ſhall be ſuffered to eſcape to burthen the Countrey of new, that the Magiſtrats ſhall be charged to recover and receive them again, without any allowance thereafter, during the ſaid ſpace of four years, under the pain of Fourty pounds Scots for each perſon ſo eſcaping: With Power alſo to them, to receive diſobedient ſervants, and to put them to work, and to correct them according to their demeries. Likeas His Majeſty, with advice forſaid, Ordains Letters of Horning and other execution to paſs hereupon, at the inſtance of theſe who ſhall ſend the poor in manner foreſaid, againſt the Magiſtrats of Burghs for receiving the poor ſent to them, with the quarters allowance foreſaid: And likewayes,

Letters

Letters of Horning to be direct at the inſtance of the Maſters of the ſaids Correction-houſes, againſt theſe lyable in payment of the ſaid allowance for the poor, conform to the ſaid Act of Parliament, and that quarterly in manner foreſaid; And at the inſtance of the Collectors, to be named by the Heretors or Commiſſioners of Exciſe, againſt the Heretors and Inhabitants of the ſaids Paroches, conform to the ſaid Act of Parliament. It is alwayes hereby provided, that it ſhall be lawfull to Coal-maſters, Salt-maſters, and others who have Manufactories in this Kingdom, to ſeiſe upon any Vagabonds or Beggars, where ever they can find them, and to put them to work in their Coal-heughs or other Manufactories, who are to have the ſame power of correcting them, and the benefit of their work, as the Maſters of the Correction-houſes. And furder, His Majeſty with advice foreſaid, recomends and commits the execution of this preſent Act to His Privy Council, with power to them to appoint all means and wayes for making the ſame effectual; To whom the Commiſſioners of Exciſe in the ſeveral Shires, are hereby Required to return an account of their diligence in the premiſſes, by ſome of their number the ſecond Council day in *November*, and the ſecond Council day in *June* yearly, under the pain of Fourty pounds Scots for every Commiſſioner of Exciſe, who ſhall be defficient in doing his part of the premiſſes.

XIX.

ACT Concerning Adjudications.

Edinburgh, 6. of September, 1672.

THe Kings Majeſty, conſidering how far Comprifings have deborded from the firſt deſign of the Legiſlators, who did never intend that opulent and great Eſtates ſhould be caryed away for inconſiderable ſums, nor that Meſſengers or ignorant perſons ſhould be Judges in matters of ſo great importance; And conſidering the great prejudice enſueing to Trade and Commerce, by the length of the legal Reverſion formerly granted; the Creditor not being able to command his money, and both Debitor and Creditor neglecting to uſe any policy and improvement of the Lands during the running of the legal Reverſion; And that after expiring thereof; Comprifings have become the foundation

of much fraud; the right thereof being ſometimes acquired by the appearand Heirs of the Debitor, who thereby ſecluded the lawfull Creditors: And that by the ignorance of Nottars and Meſſengers, and many unneceſſar ſolemnities, oftimes Nullities have happened in Compriſings, and the ſame have alwayes been moſt expenſive by heaping of penalties, and Sheriff-fees. And His Majeſty being deſirous to ſecure equally the intereſt of Debitors and Creditors, Doth, with advice and conſent of His Eſtates of Parliament, Statute and Ordain, that in place of Compriſings, the Lords of Seſſion, upon Proceſſes raiſed before them at the inſtance of any Creditor againſt his Debitor, Principal or Cautioner, ſhall Adjudge and Decern to the Creditor in ſatisfaction of his Debt, as the ſame ſhall be decerned by the ſaids Lords, ſuch a part of the Debitors Eſtate, conſiſting in Lands and other Rights which were in uſe to be appriſed, as ſhall be worth the ſum Principal and Annual-rent then reſtand to the Creditor, and a fifth part more, in reſpect the Creditor wants the uſe of his money, and is neceſſitat to take Land for the ſame, beſides and attour the compoſition to the Superior, and expenſes of the Infeftment; Which Adjudication ſhall be made, according to the ſeveral rates of the Lands and other Rights in the places where the ſame do ly; And for that effect, Probation ſhall be taken by the ſaids Lords for the part of the Creditor, and likewiſe for the part of the Debitor (if he ſhall deſire the ſame) concerning the yearly Rent and value of the ſaids Lands and Rights, and what they have payed for five years by-gone, and what the ſame may pay, and the rates and prices at which ſuch Lands and Rights are uſually ſold in theſe places of the Kingdom where they ly; With Power to the ſaids Lords to determine what warrandice the Debitor ſhall be lyable in to the Creditor, of the Lands and Rights ſo adjudged as they ſhall find juſt: Upon which Decreet of Adjudication, it ſhall be lawfull to the Creditor immediatly to enter to the poſſeſſion of the Lands or other Rights adjudged to him, and to intromet with the Mails and Duties thereof, in ſatisfaction of his Annual-rent during the not redemption, without being lyable to any reſtriction or action of Count and Reckoning. And in caſe there be adjudged, Lands affected with Life-rents, or any Caſuality or other Right not yeilding Rent during the running of the Legal after-ſpecified, the ſame ſhall be expreſt in the ſaid Decreet, together with that part of the ſum effeirand thereto; That in caſe of redemption, the Creditor may have his Annual-rent for that part of his ſum, for which he had no profit in manner forſaid: Which Lands and other Rights adjudged as ſaid is, ſhall remain heretably and irredeemably with the Creditor, in caſe they be not redeemed within the ſpace of five years after the Decreet of Adjudication, by payment

or

or conſignation of the ſums Principal and Annual-rent, for which the Adjudication did proceed, the Compoſition payed to the Superior, and expenſes in obtaining Infeſment and Annual-rent of the ſame, in ſo far as is not ſatisfied by the Creditors poſſeſſion in manner foreſaid: And the Creditor being once in peaceable poſſeſſion of the ſaids Lands or Rights, conform to the Decreet of Adjudication, it ſhall not be lawfull for him to uſe any further execution againſt his Debitor, except in the caſe of eviction upon the warrandice to be decerned by the ſaids Lords; But it ſhall be leiſum to the Creditor, to uſe all manner of execution againſt his Debitor Principal or Cautioner, by Horning, Caption, Arreſtment or otherwiſe, untill he enter to the actual poſſeſſion of the Lands to be adjudged in manner foreſaid. And it is hereby Statute and Ordained, that no Compriſings ſhall be led in time coming, of any Lands or other Rights, which are not already compriſed; But prejudice alwayes of any appriſings led before the date of this Act, or to be deduced of Lands or other Rights already appriſed, whereof the Legall is not expired, which are to have courſe conform to the Laws and Acts formerly made thereanent: It is alwayes hereby Provided and Declared, that in caſe the Debitor ſhall abſtract the Writs and Evidents of the Lands and other Rights to be adjudged, and ſhall not produce a ſufficient Right thereof, and deliver the ſame, or Tranſumpts thereof to the Creditor as the Lords ſhall judge neceſſary; and in caſe he ſhall not renunce the poſſeſſion of the Lands and other Rights to be adjudged, and ratifie the Decreet of Adjudication, to the effect the Creditor may enter thereto ſummarly, without any impediment, ſo that the Creditor may have a clear right and quiet poſſeſſion: Then and in that caſe, it ſhall be leiſum to the Creditor to adjudge all or any Right belonging to his Debitor, in the ſame manner as he might have appriſed the ſame, conform to the Act of Parliament, 1661. anent the payment of Debts betwixt Debitor and Creditor, in all points, under the Reverſion, and with the power competent to other Creditors expreſt in the ſaid Act. And it is hereby Declared, that neither the Superior, nor the Adjudger ſhall be prejudged by this Act, but that they ſhall be in the ſame caſe after citation in this Proceſs of Adjudication, as if Appriſing were led of the Lands at that time, and a Charge given to the Superior thereupon: Whilk Decreets of Adjudication abovementioned ſhall be allowed by the Lords of Seſſion, as Appriſings now are; And the Allowance ſhall be regiſtrat in the ſame manner, and under the ſame certification, with the Allowances of Compriſings; To the effect, the ſame may be known, and that Creditors may not be diſappointed by adjudging Lands already adjudged to others.

XX.

ACT for imploying Vacand Stipends for Univerſities.

Edinburgh, 10. *of September*, 1672.

THe Kings Majeſty, conſidering the preſent condition of the ſeveral Univerſities and Colledges within this Kingdom, and the mean and in competent proviſion of the Maſters and Profeſſors thereof; and being deſirous to give all due encouragement to theſe Seminaries, that thereby able and fit perſons may be invited to accept of Functions within the ſame; Doth therefore, with advice and conſent of His Eſtates of Parliament, Statute and Ordain, that the Stipends and Benefices of Kirks that ſhall happen to Vaik for the ſpace of ſeven years, This preſent year, one thouſand ſix hundred and ſeventy two, being the firſt of the ſeven, and ſo forth to continue untill the expiring of the ſeven years, ſhall be imployed for the uſe of the Univerſities and Colledges in manner after-ſpecified, *viz.* The Vacancies within the Dioceſſes of *St. Andrews Dumblain Dunkeld*, *Brichin*, and *Orkney*, for the Univerſities of *St. Andrews*, and the Vacancies within the Dioceſs of *Edinburgh*, for the Colledge of *Edinburgh*; and the Vacancies within the Dioceſſes of *Aberdeen*, *Murray*, *Roſs* and *Caithneſs*, for the Univerſities of *Aberdeen*; and the Vacancies within the Dioceſſes of *Glaſgow*, *Galloway* and the *Iſles*, as follows, *viz.* The Vacancies of the Dioceſs of *Glaſgow* for this preſent year, one thouſand ſix hundred and ſeventy two, to be employed, the one half for the Univerſity of *St. Andrews*, and the other half for the Univerſity of *Glaſgow*; and the Vacancies of that Dioceſs for the ſix years enſuing, with the Vacancies of the ſaid two Dioceſſes of *Galloway* and the *Iſles* for the whole ſeven years abovementioned, to be employed for the Univerſity of *Glaſgow*. And that this ſupply may prove the more effectual, The ſeveral Univerſities and Colledges are hereby warranted to name Collectors (for whoſe diligence and faithfulneſſe, they are to receive ſufficient Caution before they receive their Commiſſions) to uplift the Vacand Stipends which are or ſhall become Vacand during the ſeven years above-

above-mentioned, within the respective Dioceſſes hereby allotted to them; The Collector to be appointed by the Colledge of *Glaſgow*, to uplift the Vacancies of the Dioceſs of *Glaſgow*, alwayes finding ſufficient Caution at the ſight of the Univerſity of *St. Andrews*, to make payment to that Univerſity and to the Univerſity of *Glaſgow*, equally betwixt them, of the Vacancies which he ſhall receive within the ſaid Dioceſs of *Glaſgow* for this preſent year, one thouſand ſix hundred and ſeventy two; And His Majeſty, with advice foreſaid, Ordains Letters of Horning, and all other execution neceſſary, to paſs at the inſtance of the ſaids Collectors, for the more ſpeedy raiſing and inbringing of the Vacancies aforeſaid: Which Vacancies are to be diſpoſed of and imployed for the uſe of the reſpective Univerſities and Colledges yearly, by the Viſitors to be appointed by His Majeſty for the reſpective Univerſities and Colledges under the Great Seal. It is alwayes hereby Declared, that the Vacancies ſhall be burdened with the upholding of the Manſes of theſe Paroches, out of which the Vacancies ſhall be raiſed, in the ſame manner as they were formerly upon removal of the Incumbent, conform to the Act of Parliament made thereanent: and as to the Vacancies of the Dioceſs of *Argyl*, they are to be imployed for maintainance of *Buſſars*, as is appointed by former Acts of Parliament: And His Majeſty, with advice foreſaid, Declares the former Act paſt in the third Seſſion of His Majeſties firſt Parliament, Entituled, *Act for additional proviſion in favours of Univerſities*, to be void and null to all the intents therein contained.

XXI.

ACT concerning the Priviledges of the Office of Lyon King at Armes.

Edinburgh, 10. *of September*, 1672.

OUr Soveraign Lord, conſidering, that albeit by the 125. Act of the 12. Parliament, holden by His Majeſties Grand-father in the year, 1592. the uſurpation of Armes by any of His Majeſties Leidges, without the Authority of the *Lyon King of Armes*, is expreſly diſcharged; And that in order thereto, Power and Commiſſion is granted to the *Lyon King of Armes*, or his Deputes, to viſit the whole Armes of Noblemen, Barons

and Gentlemen, and to matriculate the ſame in their Regiſters, and to fine in one hundred pounds, all others who ſhall unjuſtly uſurp Armes; As alſo to eſcheat all ſuch Goods and Gear, as ſhall have unwarrantable Armes ingraven on them. Yet, amongſt the many irregularities of theſe late times, very many have aſſumed to themſelves Armes, who ſhould bear none, and many of theſe who may in Law bear, have aſſumed to themſelves the Armes of their Chief, without diſtinctions, or Armes which were not carried by them or their Predeceſſors. Therefore, His Majeſty, with advice and conſent of His Eſtates of Parliament, Ratifies and Approves the foreſaid Act of Parliament; And for the more vigorous proſecution thereof, doth hereby Statute and Ordain, that Letters of publication of this preſent Act be direct to be execute at the Mercat-croſs of the head Burghs of the Shires, Stewartries, Baileries of Royalty and Regality, and Royal Burroughs, charging all and ſundry Prelats, Noblemen, Barons and Gentlemen, who make uſe of any Arms or Signs armorial, within the ſpace of one year after the ſaid publication, to bring or ſend an account of what Armes, or Signs armorial they are accuſtomed to uſe, and whether they be Deſcendants of any Family, the Armes of which Family they bear, and of what Brother of the Family they are deſcended; With Teſtificats from perſons of Honour, Noblemen or Gentlemen of quality, anent the verity of their having and uſing thoſe Armes, and of their deſcent as aforeſaid, to be delivered either to the Clerk of the Juriſdiction where the perſons dwells, or to the Lyon Clerk at his Office in *Edinburgh*, at the option of the party, upon their Receipts *gratis*, without paying any thing therefore; Which Receipt ſhall be a ſufficient exoneration to them, from being oblieged to produce again, to the effect, that the *Lyon King of Armes* may diſtinguiſh the ſaids Armes, with congruant Differences, and may matriculate the ſame in his Books and Regiſters, and may give Armes to vertuous and well deſerving perſons, and Extracts of all Armes, expreſſing the blaſoning of the Armes under his hand and ſeal of Office; For which ſhall be payed to the Lyon, the ſumm of twenty merks, by every Prelat and Nobleman, and ten merks be every Knight and Baron, and five merks by every other perſon bearing Armes, and no more: And His Majeſty hereby diſpenſes, with any penalties that may ariſe be this or any preceeding Act for bearing Armes, before the Proclamation to be iſſued hereupon. And it is Statute and Ordained, with conſent foreſaid, that the ſaid Regiſter ſhall be reſpected as the true and unrepealable rule of all Armes and Bearings in *Scotland*, to remain with the Lyons Office as a publick Regiſter of the Kingdom, and to be tranſmitted to his Succeſſors in all time coming: And that whoſoever ſhall uſe any other Armes any manner

manner of way, after the expiring of year and day from the date of the Proclamation to be iſſued hereupon, in manner foreſaid, ſhall pay one hundred pounds money, *toties quoties*, to the Lyon, and ſhall likewayes eſcheat to His Majeſty, all the moveable Goods and Gear upon which the ſaids Armes are engraven, or otherwiſe repreſented. And His Majeſty, with conſent foreſaids Declares, that it is only allowed for Noblemen and Biſhops to ſubſcribe by their Titles; And that all others ſhall ſubſcribe their chriſtned Names, or the initial letter thereof with their Sirnames, and may, if they pleaſes adject the Deſignations of their Lands, prefixing the word OF to the ſaids Deſignations. And the *Lyon King at Armes* and his Brethren, are required to be carefull of informing themſelves of the contraveeners hereof, and that they acquaint His Majeſties Council therewith, who are hereby impowered to puniſh them as perſons diſobedient to, and contraveeners of the Law. It is likewayes hereby Declared, that the Lyon and his Brethren Heraulds are Judges in all ſuch cauſes, concerning the Malverſation of Meſſengers in their Office, and are to enjoy all other priviledges belonging to their Office, which are ſecured to them by the Laws of this Kingdom, and according to former practice.

XXII.

ACT againſt Profaneneſſe.

Edinburgh, 11. of September, 1672.

OUr Soveraign Lord, conſidering the many and great violations of the Law of God, and of the Laws of this Kingdom, eſtabliſhed by His Majeſty and His Royal Predeceſſors, againſt curſing, ſwearing, drunkenneſſe, fornication and uncleanneſſe, profanation of the Lords-day, mocking or reproaching of Religion and the exerciſes thereof; Which are prohibit by ſeveral Acts of Parliament, under diverſe pecunial mulcts and penalties; and eſpecially by the twenty Act of the twenty two Parliament of King *James* the ſixth, entituled, *Act anent the puniſhment of Drunkards*; And by the eighteenth Act of the firſt Seſſion of His Majeſties firſt Parliament, entituled, *Act for the due obſervation of the Sabbath-day*; And the nineteenth Act thereof entituled, *Act againſt*

ſwearing and exceſsive drinking; And by the thirty eight Act of that ſame Seſſion of Parliament, containing inſtructions to the Juſtices of Peace: Doth, with advice of His Eſtates of Parliament, Statute and Ordain, that the ſeveral pains and fines appointed by the ſaid Acts, be inflicted on, andexacted off the reſpective tranſgreſſors; And for that effect, it is hereby Statute and Ordained, that beſides the exerciſe of Church-diſcipline, according to the Laws and practice uſedin this Church, in every Paroch within Royal Burgh, or wherein any of His Majeſties Privy Councel or Lords of Seſſion, Sheriff, Lord, or Bailiff of Regality or their Deputes, or Commiſſaries, have their reſidence or keep Courts; that the ſaids Councellors or Lords of Seſſion, Magiſtrats of ſuch Burghs, the Sheriffs and the Lords and Bailiffs of Regalities or their Deputes, the Commiſſaries or any Juſtice of Peace, They or any one or more of them, execute or cauſe execute the ſaids Laws, againſt ſuch delinquents in the ſeveral Paroches where they reſide, as ſhall be dilated to them by the Kirk-ſeſſions, or other Church-judicatories. Providing alwayes, Likeas it is hereby provided, that the Miniſter and Kirk-ſeſſion, with the Heretors of each Paroch, or ſuch of them as upon publick intimation by the Miniſter from the Pulpit, upon eight dayes warning, ſhall meet with the Miniſter, and his aſſiſtants in diſcipline, have the nomination of a Collector, who is to receive and count for the fines ſo impoſed; Excepting to the Royal-Burghs the nomination of their Collectors, who have been accuſtomed ſo to nominat, they alwayes being accountable as other Collectors, for the uſes afterſpecified: And where there be any Paroches, in which there is none of the ſaids above-named perſons in Authority reſident, the Miniſter and Kirk-ſeſſion and Heretors of the Paroch, or major part of them, who ſhall conveen upon publick intimation by the Miniſter upon eight dayes warning, ſhall nominat ſo often as they ſee cauſe, a perſon reſident within the Paroch, whom they find moſt fit for executing of the ſaids Statutes, and ſhall under their hand offer the perſon ſo choſen to the Sheriffs, Lords and Bailiffs or Regalities, Stewarts, Commiſſaries, having the ordinary Juriſdiction of that place, who are hereby authorized to give Commiſſion and Deputation to the perſons ſo choſen for conveening the perſons tranſgreſſors of the foreſaid Statutes, and to judge in them according to Law: And it is hereby Declared, that all execution ſhall paſs upon the Decreets and Sentences of the ſaids Judges and Commiſſioners, as do or may paſs upon the Decreets or Sentences of Sheriffs, Bailiffs of Royality or Regality, for executing of the ſaids Statutes, conform to the tennor thereof in all points. With Power

Power to the ſaid Miniſter, Kirk-ſeſſion and Heretors of each Paroch conveened in manner foreſaid, to modifie and appoint ſuch part and portion of the ſums ariſing by the ſaid Decreets, to the Collectors nominat by them for their ſervices, as they ſhall find juſt, according to their pains and diligence. And it is hereby Declared, that the remainder of the ſaids ſums ſhall belong to, and be made uſe of, for the poor of each Paroch *reſpectivè*, in manner following, *viz.* The one half thereof for the uſe of the poor of each Paroch to be ſent to the Correction-houſes, for being bred to lawfull Trades, conform to an Act of Parliament, made in this Seſſion of Parliament; And for which, the Collector ſhall be countable to the Heretors of each Paroch, and ſhall deliver to them Receipts from the Maſters of the Correction-houſes of the one half of the ſaids ſums, toward the allowance of the ſaid poor people, appointed to be payed out of each Paroch by the ſaid Act: and the other half of the ſaids fines ſhall belong to the poor of each Paroch *reſpectivè*, who by the ſaid Act, by reaſon of their age or infirmity, are appointed to be entertained within each Paroch by the Contributions at the Paroch-kirk, and for which the ſaids Collectors are to be countable to the Miniſter and Kirk ſeſſion of each Paroch, or to the Elders during the vacancy, and to by applyed be them for the uſe of the poor, as they ſhall ſee cauſe.

XXII.

ACT. Salvo jure cujuſlibet.

Edinburgh, 11. *of September*, 1672.

OUR Soverign Lord taking to conſideration, that there be many Acts of Ratifications and others, paſt and made in this Seſſion of Parliament, in favours of particular perſons, without calling or hearing of ſuch as may be thereby concerned or prejudged: Therefore, His *Majeſty*, with advice and conſent of the Eſtates of Parliament, Statures and Ordains, That all ſuch particular Acts and Acts of Ratification paſt in manner foreſaid, ſhall not prejudge any third party of their lawfull Rights, nor of their Actions and Defences competent thereupon, before the making of the ſaid particular Acts and Acts of Ratifications; And that the Lords of Seſſion and all other Judges within this Kingdom, ſhall be obliged to judge betwixt parties, according to their ſeveral Rights ſtanding in their perſons before the making of the ſaids Acts: All which are hereby exponed, and declared to have been made, *Salvo jure cujuſlibet.*

XXIII.

ACT of Adjournment.

Edinburgh, 11. *of September*, 1672.

THe King's *Majeſty* Declares this Parliament current, and adjourns the ſame to the ſecond Wedneſday of *June* next to come; Ordaining all the Members of Parliament to attend that day, and that there be no new Election of Commiſſioners from Shires or Burroughs, except upon the death of ſome of the preſent Commiſſioners.

A. Primeroſe, Cls. Reg.

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